



MONITI

MELIORA

S. FRANCIS BACON
VERVLAM DEUM S. LEANS
Chancellor of ENGLAND





312
ORIGINAL
LETTERS
AND
MEMOIRS,

Written

By the Lord Chancellor *BACON*,
During the Reign of King *James I.*

Many addrest to the KING, the Duke of
Buckingham, and other eminent Persons.

Corrected and published with REMARKS
By *ROBERT STEPHENS*, Esq;
Late HISTORIOGRAPHER ROYAL.

To which is prefixed
A Large HISTORICAL INTRODUCTION.

THE SECOND EDITION.

L O N D O N :

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opposite *York Buildings* in the Strand ;

And sold by JOHN BRINDLEY at the *King's Arms* in
New Bondstreet. 1736.



T H E
P R E F A C E.

THE exposing of other Mens Letters to the World, may be esteem'd so great a violation of the secrecy that is due to them, that I should think myself oblig'd to give some Reasons for the present performance, had not a great Part of those that follow, been already made Publick : All that is now attempted, being to render this Collection more compleat, and I hope, more acceptable, than any that has yet appear'd under the Name of this Learned Lord.

But by excusing my self in a particular case, I would not be thought to condemn others for acting a part which the most Polite Ages and Nations have approv'd, or at least indulged. For altho Familiar Letters of Private Friends may be commonly of too tender a Composition, to thrive out of the Bosom in which they were first Planted ; yet those which are written by Men of Eminent Wit, Learning, or Place have been, and may be, under some Circumstances, communicated to the rest of Mankind.

The Epistles of the Antients, with some of the Moderns, are read with great delight and profit, and will probably last as long as Books themselves ; whilst many Volumes of Familiar and Feign'd Letters (the encrease whereof was so justly censur'd by Bocaline) have been compell'd to live and die in Obscurity.

Of

The Preface.

Of all others, relating to Humane Affairs, those which are written by Ministers of State, and deduced in a Series of Time, are of the most esteem, because they afford Excellent Instructions for Civil Prudence, and the best Materials for History. And for this I need cite no other Authority than my Lord Bacon himself in the Second Book of the Advancement of Learning, Chap. 12th.

In divulging Memoires of this nature, the English have been formerly looked upon as a reserv'd Nation, whatever opinion may be now had of them. And if these which are laid before the Reader, be not adorned with that variety of Events, which may be found in some others, he will please to remember what Places the Writer held, and in what Peaceable Times he lived. His Lordship observing, that Times are like Ways, some are more Up-hill and Down-hill, some are more Flat and Plain: the one is better for the Liver, the other for the Writer.

It remains that I give some account of the ensuing Papers, that since I cannot add to the Author's Honour, I may not forget to do him and the Reader Justice. Those which were publish'd in the Resuscitatio, by Dr. Rawley, (to whom the World is indebted for his Lordships Posthumous Works) may be depended upon: Such as are taken from the Cabala, Sir Tobie Mathew's Collection, and other Books, wherein they are dispers'd without any coherence of Matter or Time, altho they may have Errors, yet I hope not of that number or nature, as to diminish much from the value of the whole, or to reflect upon my care, since it was as far removed from my Power to restore all the Passages I judg'd faulty, as from my Desire to transmit any thing imperfect, or unworthy the Character of so celebrated an Author. For which reason, among others, I have purposely omitted some Letters, which bear his name.

The Preface.

The Originals which I have inserted, and which I have noted at the beginning of each Letter, were preserved by the care of a very worthy Gentleman, amongst others of the like nature; and the desire I had to preserve the least Remains of this Noble Lord from the Fate incident to loose Papers, engaged me first to transcribe, then to reduce them into Order, and now to present them to the World. They commence some Months before he was made Lord Keeper, (where Dr. Rawley's Collection breaks off) and are continued almost to the time when the Great Seal was taken from him; so that could I have recover'd some Letters, which I fear are now lost, They had filled a space of Time, in which his Lordship was at the Highest, and of which there are but two or three already Published.

All the Original Letters are written by his own Hand, except one which is subscribed by it; some of them are composed with care, but many of them in so hasty a manner, and difficult Character, that if they are fit to be seen by the Eye of the World, it is because his most Casual Pieces have been prefer'd to some others Labours. To any one that is the least acquainted with his Lordship's Style, I doubt not but they will appear, what they really are, Genuine. But because I have asserted some things which may depend upon my own Sincerity, in the Relations I have given from other Manuscripts; I have made myself publick in a way I never designed: Hoping that those that know me, know me to be above the thoughts of imposing upon the World, and requesting all others to ascribe the Errors I am guilty of, to any other defect than that of my Will.

*The Letters which I have seen of the same Hand, written in the time of Queen Elizabeth, are all contain'd in the Resuscitatio, which was a good Reason in it self, for me to begin these with the Reign of her Successor; which I have disposed in order of Time, as near as I could place them, unless in one or two Cases, I purposely inverted it, to preserve
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The Preface.

the Story more entire. My Desire to give all things relating to them, as well as the Author, the best Light I could, hath carried me on to enlarge the Introduction beyond its just Limits, and to insert some Characters and Observations which may be thought superfluous.

For the sake of that part of the Gentry, whose Education denies them the knowledge of the Learned Languages, yet their Abilities in these sort of Writings, require that nothing that is valuable therein should be conceal'd from them; I have interpreted some Latin Citations in the Margin, &c. tho some I have overlook'd or neglected. As for the few Letters which were written to the Universities, I conceiv'd it sufficient to give an account upon what occasion they were sent, without troubling the Reader with a Translation.

In my References to the Cabala, I make use of the Edition of 1691, and to the Resuscitatio of that of 1661; which last Book was correctly published by Dr. Rawley, whereunto is prefix'd my Lord Bacon's Life, and from which together with the Preliminary Discourse to his Remains, Printed in 1679, and the Characters given of him before the English Translation of his Advancement of Learning, the Reader may take a view of some Particulars of his Life and Works, which I had no occasion given me to Treat of.

*For what respects my self, I have onely this to allege; that altho no just excuse can be made for a Man that voluntarily exposes himself as I have done, yet perhaps something may be allow'd by way of Mitigation. The Times of Leisure which I devoted to this Service were more interrupted than I had reason to expect; so that I was engaged in the Press before the Copy was prepared, till like an unwary Soldier advanced too far, I knew not well how to Retreat, or how to make my way through. For this Reason upon reviewing the Whole of what was sent by Parts, I find some things I might have left out, others added, many Expressions fit to be alter'd, and Defects in the Style reformed. All
which*

The Preface.

which might have appeared in a better manner, had I taken any advice of my Friends in the Design, or what I think is much more wanted, their Judgement and Censure in the Execution: But this being a trouble I had neither the opportunity nor confidence to desire of some of them, whose Opinions I very much value, it encourages me to ask, and hope to obtain, a greater share of the Reader's Favour.

To conclude, since possibly there may be some other Genuine Papers of this Author, and these Times, which have escaped the Diligence of Dr. Rawley, and which are yet preserv'd in Private Hands, or Publick Repositories, if those which are Masters of the one, or can direct me to the other, shall think so well of what is now done, as to wish these Memoires were more entire; I shall be ready to publish the same by way of Supplement, or in such other manner as shall be thought the most proper.

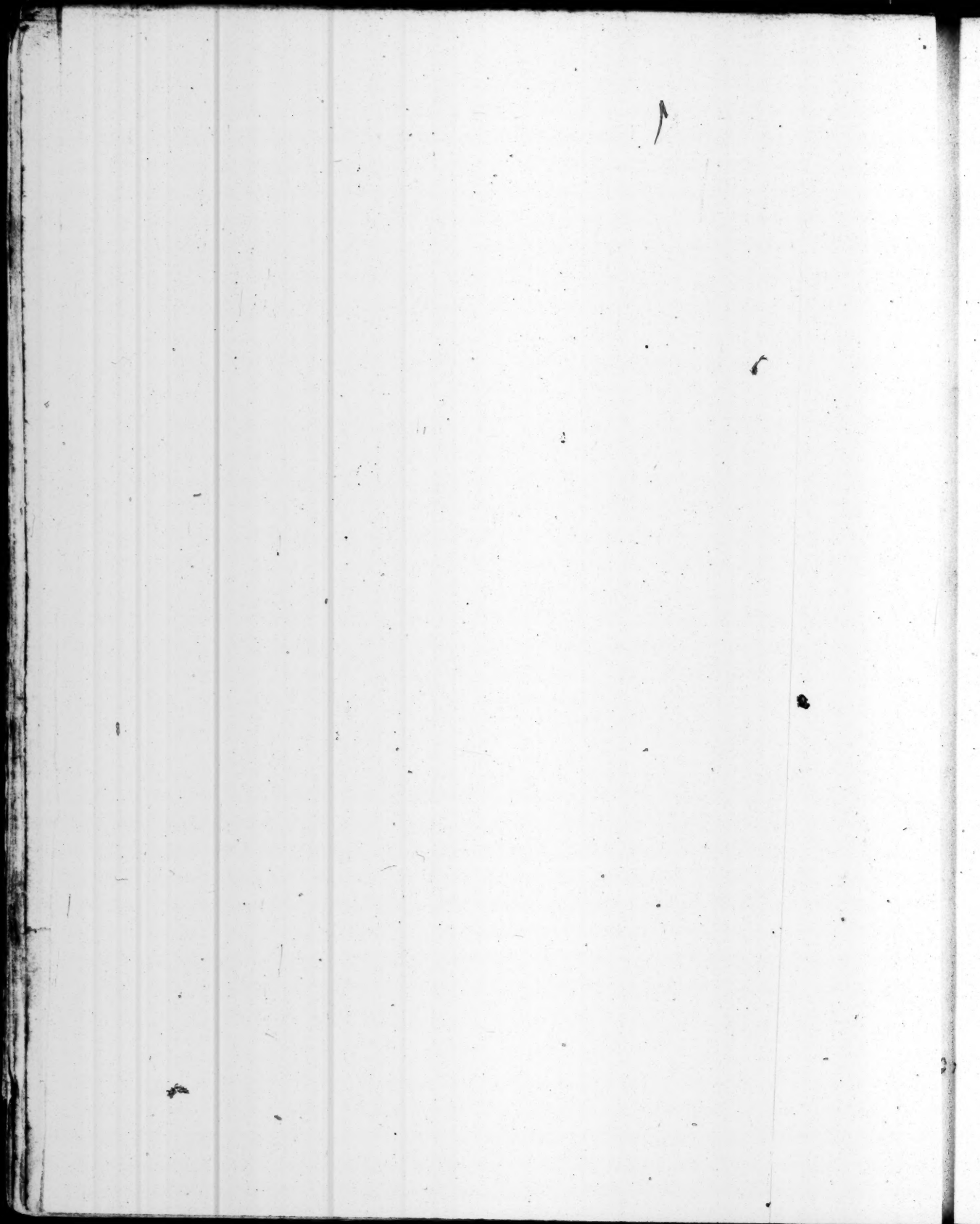
Nor shall I be less willing to rectifie any Mistake, than I am to confess that which I have committed in the XLVII. Page of the Introduction. Where, Sir Edw. Coke affirming that the King having suffer'd by means of the Lord Treasurer and his Lady 50000 l. censur'd them in a Fine of 100000 l. altho' he said he might very well have made it Quadruple: The word Quadruple ought to have referr'd to the first sum, and may be corrected by putting that of Double in its place.

The most considerable Typographical Errors are remark'd at the end of the Volume; Leaving some others of less consequence, and all those which are committed in the Pointing, to the Readers own Observation and Amendment.

Middle-Temple,
14. Febr. 1701

R. S.

THE



T H E

Introduction.

UPON the Decease of Queen *Elizabeth*, *James* the VIth. King of *Scotland*, became the first Monarch of *Great Britain*. Which remarkable Succession, being the Subject of some of the following Letters, I cannot proceed so contrary to my own Inclinations, and the manner of other Writers upon this Occasion, as to neglect offering some Tributes of Honour, to the memory of a Princess, under whose Auspicious Government, *England* seem'd to consummate all its former Glories. A Princess, Celebrated by Historians, of very different Opinions, and even by one of the *Popes*, her declared Enemy, as one of the greatest and worthiest that ever wore a Crown. In the Entrance of her Reign, she established the Religion with a gentle Hand, her Sister had endeavour'd to extirpate with Fire and Flames; Repair'd the Treasure exhausted; Recoin'd the Money debas'd; Secur'd the Nation from Powerful Enemies abroad, made yet more Powerful by deceitful Subjects at Home: So that she spread the Blessings of Peace over all the Land, for almost Twenty Years. Till being provoked to the last Degree by the *Popes*, she used some necessary Remedies to restrain their Party: Reveng'd the Injuries received, and prevented those design'd from the King of *Spain*; by supporting the *United Provinces*, making the utmost efforts for their Liberties; by assisting King *Henry* the IVth. of *France*, ready to sink under the mighty and successful Power of the *League*. Upon

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The Introduction.

the Ocean she repuls'd his Fleets with shame, whilst with her own, she insulted him both in the Old and New World, and carried the Fame of her self, and Nation throughout the Universe.

Her great Council, the Parliaments were so satisfied with her Conduct, that they sometimes gave her more than she expected, and once more than she would receive. Her private Counsels were Wise, and directed by few; yet those so well chosen, as reflected no less Honour upon her own Judgement, than Security on her People. The Lord *Burleigh*, Sir *Nicholas Bacon*, and Sir *Francis Walsingham*, were some of her most faithful and able Servants. The first of them seems to have been her chiefest Minister for Forty Years; and they all of them served her with such singular Ability and Fidelity, that they have appeared as Examples, rather admired than imitated: Especially Sir *Francis Walsingham*; who, tho' he was one of the Wisest and most Sagacious Men of the Age, who had long undergone the Office of principal *Secretary of State*, and often of *Ambassador*, and had surely the opportunity of enriching himself at the Publick Expence; yet he wasted both his own Health and Fortunes, for the Health and Prosperity of the Nation. Contenting himself with a true and lasting Glory, of having maintain'd the Cause and Interest of his Religion, his Prince, and Country; and with the satisfaction of seeing his onely Child, by *Ursula*, the Daughter of *Henry St. Barbe*, Esq; Married to Sir *Philip Sidney*, and after his untimely and much lamented Death, to *Robert D'Evereux* Earl of *Essex*, two of the finest Gentlemen of their Times.

In the choice of her Martial Men, the Queen had the same, and perhaps a more peculiar *Felicity*; as it is observed by one, that knew as well as any the Renowned Sir *Walter Raleigh*, in his *History of the World*, in these Words. 'That her Majesty had many Advised, Valiant and Faithful Men, the Prosperity of her own Affairs did well witness; who, in all her days, never received Dishonour by the Cowardize, or Infidelity of any Commander by her self chosen or employed.

But

The Introduction.

iii

But this Wife and Provident Lady, who had admired our Authors Ingenuous Parts, when a Boy, and employed them when a Man, had cherished him rather with the Bounty of her Voice, than of her Hand: For tho' she made use of his Counsel in Matters of *Law*, and his Pen and Advice in some Matters of *State*, (as being every way qualified to serve her in both;) yet according to the Reports of those Times, his Merits were suppressed by the Jealousies of one, who was near to the *Queen*, in Place and Power, tho' near to Mr. *Bacon* in Consanguinity. So little is the Relation of Nature considered, where private Interest comes in Competition.

Upon which account, it cannot be thought strange; That tho' he honoured the Memory of his Deceased Mistress, he should pay some Adoration to the *Rising Sun*: Which, whilst many others, the most Zealous and Active did in Person, he performed by his Pen; as will appear at the beginning of the following *Letters*, some of which, he Addressed to those about his Majesty, and one to the King himself.

For the Declaration of a *Successor*, which the Queen could not be induced to make in her Health, being obtained from her, in that Sicknefs, which put a Period to her Life, upon the 24th. of *March* 1603; had drawn the Eyes of all those, who expected Place and Preferment towards the *North*. And the receiving the King into the peaceable Possession of the Throne, had dissipated those fears, into which many wise Men were fallen, through the Pretences and Titles to the Crown, about this time, industriously spread abroad. Yet notwithstanding, the Subjection of the whole Island to one King, the Reduction of *Ireland*, which had long given the Queen, much trouble, effected; there succeeded in the Opinion of many, but a Feeble and Inglorious Reign.

The King was hardly Seated in his new Throne, when he gave one Instance of Deviating from the ways of his Predecessor, who had been so wary in Conferring *Titles* of Honour, that its true and ancient Path, though the *Temple* of *Vertue*, became almost visible again. His Majesty, as if he could not bestow enough of Graces and Favours; for

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The Introduction.

this new and easie Acquisition, created several Hundred *Knights*, within a few Months after he came into *England*: Tho' I think it may be affirmed, That this Dignity fell much upon Persons of Estates, Families, and Merit, of which Number was Mr. *Bacon* Knighted at *White-Hall*, upon the 23d. of *July* 1603. For what Reasons, the King, some Years after, erected an *Order*, which engaged many of the prime Gentry of the Nation, as being something Superior in Honour, and much in Duration, and how far it has since varied from, and exceeded the Limits and Rules of its first Institution, would be needless for me to observe.

The two *Crowns*, being thus united in the *Person* of one *King*, there was nothing that he more earnestly desired and endeavoured; according to the Text of Scripture, he Inscribed upon some of his Coin, *Faciam eos in Gentem unam*, than a real *Union* of the Nations: And that, as far as it might be effected both in point of Naturalization with some Restrictions, as to enjoying Offices, &c. And by an *Union* of the greatest part of the Laws. Wherein the King declares, his Intention was to conform the Laws of *Scotland*, to the Laws of *England*. For which purpose, upon recommending this Affair to the first Session of *Parliament*, an Act was passed, Authorizing certain Commissioners to treat with others of *Scotland*, for the Weal of both Kingdoms. In which Number, Sir *Fra. Bacon* writes in one of these Letter, that he had the first *Vote* in the *House of Commons*: As in another he saith, That in the Business of the *Union*, the Labour for Men of his Profession, lay most upon his Hands. The Commissioners, after several Conferences, resolved upon some Preliminaries, but differ'd in the manner, and extent of the Naturalization: Infomuch, that the Novelty of the Argument, and the Weight and Consequence thereof, which exercised the Tongues, and Pens of the Politicians of those Times, both within and without the Houses of *Parliament*; rendred all the King's Applications and Speeches, to those Assemblies, in a great measure ineffectual. But, what he could not obtain of them, he did in some part, of his *Judges*, who in the *Exchequer-Chamber* in the great Case of *Calvin*, reported by my
Lord

The Introduction.

V

Lord Coke, did almost unanimously resolve, that the *Scots* which were born after the Accession of the King, to the Crown of *England*, were Subjects thereof and not *Aliens*. Yet this ill Success in K. *James*, hath not discouraged his Successors to attempt the like, and particularly his present Majesty; upon which the *Lords* recommended a *Bill* to the House of *Commons* in a peculiar manner. And if ever this Matter comes to have the Consideration it seems to deserve, the Pains, and Care, and Caution, Sir *Francis Bacon* employ'd in promoting and advising the *Union*, which appear in Two Speeches in Parliament, and Two little Tracts, Address'd to the King, extant in the *Resuscitatio*, will very much Facilitate all others Labours, and may possibly meet with a better Event.

But if his Services therein were acceptable to the King, the Book, which he about the same time published, of the Progress and *Advancement of Learning*, was no less grateful to the most Ingenious Schollars of the Nation. He had, whilst he was very young, and in the University made some Reflections upon the Unprosperous State of the *Commonwealth of Learning*, That the *Philosophy*, as usually taught, was more Accommodate to the Disputation of the *Schools*, than to the Improvment of Reason, or Productive of any real Use to Mankind. So that tho' the straitness of his Fortunes made him apply himself to a Profession, and to the Laborious Study of the Municipal Laws; yet the Greatness of his Wit, and earnest Desire of being Master of all the useful Knowledge, devoted his leisure hours, unto a serious perusal of the best Ancient Authors, and a deep Contemplation of the Works of Nature. In these Intervals of time, he compos'd the Work I am now speaking of, Printed, tho somewhat incorrectly in two Books *Quarto*, in the Year 1605, which he Dedicated to his Majesty, as the most *Learned of Kings* which *Time* had known, and with the 12th, and some following Letters, he presents it to several of the Nobility. But, because it was Written in the *English* Tongue, to the end that it might be Communicated to Foreign Nations; he does by a Subsequent Letter, desire Dr. *Playfer*, the Divinity Professor in *Cambridge*, and one Celebrated for his Purity in the *Latine* Stile, to render it into that Universal Language.

The

The Introduction.

The Doctor endeavouring to outdo himself, fell short of himself, and sent such a Specimen of a Nice and Superfine Version; that the Author who always esteemed Matter above Words, never encouraged him to proceed therein.

Nor after the Doctor's Death, which happen'd in a few years, do I find that any other hand did undertake, or at least accomplish the same, till my Lord Bacon revised and enlarged the whole, and by the assistance of Mr. George Herbert, and some other Learned Men, put it forth in *Latin*, his Lordship very much correcting and altering those Expressions which did not attain to his own Conceptions. The Volume was Printed at *London* in the year 1623 in a very fair Edition in *Folio*, and soon after in *France*, *Holland*, &c. containing in the whole Nine Books. The first of which is in a great measure a Translation of the first Book of the former Edition, wherein he refutes the Objections that are made against Learning, considers the ill Estate and Disadvantages it lies under, and lastly the Dignity and Honour that belongs to the same. In the other Eight Books, wherein some things are omitted, many things added and amplified, the Author enters into a Summary Partition of the *Sciences*, and with a diligent eye surveys the uncultivated Parts of the Intellectual Globe; observes sometime what is erroneous, but chiefly what is deficient in Learning and Knowledge; what is to be receiv'd, and what Materials are to be added, towards the erecting that new Fabrick of the *Sciences* which he had long had in Design; the Foundation whereof he begun to lay in his *Novum Organum*, the second Part of his *Instauratio magna Scientiarum*.

But if the Subject matter of that Work be often so abstruse, as to fly over many Peoples Heads; yet in his *Advancement of Learning*, his Thoughts are generally so easie and clear, and produc'd in so exact a Method and Order, that as few Persons can read it without instruction, so I think no Person can peruse it without pleasure. From this Tract it was that *Monsieur de Costar* selected several Passages, and sends them among others of his Literary Commerce to that Fine Wit of *France*, *Monsieur de Voiture*, who makes this Judgement of them. *I esteem all that you sent me of Bacon's*

The Introduction.

vii

to be admirable ; But would not Horace, who calls the Britains Fierce and Inhospitable, be amaz'd to hear one of that Country discourse at such a rate ? Pity it is that a Work of so beautiful a Composition, written by a Person of so inimitable an *English Style*, should instead of being illustrated, be obscur'd by the Hand of Dr. *Wattes*, who tho' he had a great Veneration for my Lord *Bacon*, yet I think he sometimes falls short of his sense, and oftner of his Spirit and Life, in the Expressions which he uses in the *Translation* he Published in 1640.

Before I proceed any farther in this Introduction, to the end that no Reader may be altogether ignorant of the Character of two Great Men, whose Names and Actions he will often meet with in the following Papers ; I shall give some account of the Lord Chancellor *Ellesmere*, and Sir *Edward Coke* Lord Chief Justice of the *Common-Pleas*, and after of the *Kings-Bench*, both remarkable Men in their respective Courts of *Law* and *Equity* : And howsoever they disagreed towards the latter part of their Lives, I hope it will not be improper for me to place them so near together in this.

Sir *Thomas Egerton* descended, tho' in an oblique Line, from an Ancient Family in *Cheshire*, and from Brazen-Nose College in *Oxford* remov'd to *Lincolns-Inne* ; where he so well improv'd his Time, that Queen *Elizabeth* made him her *Solicitor* and *Attorney General*, and at length *Keeper* of the Great Seal of *England*, in the year 1596. Which he carried (with the additional Honour of Lord Chancellor and Baron of *Ellesmere*, given by King *James* at his Accession to the Crown) until the beginning of the year 1617, when sinking under the weight of Seventy seven years, tho' in full possession of the King's Favours, notwithstanding what some Pamphleteers have reported ; he intreated his Majesty by two Letters extant in the *Cabala*, to be discharg'd from an Office, which even in those days was sufficient to employ the Powers of any Man, in the strength and perfection both of Body and Mind. Those Letters as well as some others in this Collection, take notice of his Intentions to have before resign'd his Place, and which he did soon after the King had

had Created him Viscount *Brackley*, and at a time, I think, when further Honours were design'd for him. His Majesty parted with an old and faithful Servant, with all imaginable Tenderneſs, and upon the Seventh of *March 1616* committed the *Seal* to the Cuſtody of Sir *Francis Bacon*, who was the very Perſon his Lordſhip deſired might ſucceed him. But of this, as well as of ſome other things relating to this Lord, I ſhall have farther occaſion to ſpeak; ſo that I ſhall onely add, that he died at *York-Houſe* in the *Strand*, upon the Fifteenth of the ſame Month, and was Buried at *Dudleſton* in *Cheſhire*, without any other Pompe or Glory, than what reſulted from the Fame of his Virtuous Actions: Being a Perſon of a ready Apprehenſion, clear and ſolid Judgement, and conſummate Wiſdom. Sometime before he diveſted himſelf of the Chancery ſhip of *England*, he parted with that of the *University of Oxford*, where in the Gallery over the *Schools* is yet to be ſeen the Picture of his Perſon, which was ſo Venerable, that his Preſence and Carriage gave a Grace and Ornament to the *Court* in which he preſided, as his Ability and Integrity did a Sanction to his *Decees*.

But if his Obſequiouſneſs to the King, with which Mr. *Osborn* and ſome others may charge him, does ſeem to detract from the Character I have given, admitting what they ſay to be true, (which is not always to be done in Perſons that appear more like Satyrists than Hiſtorians,) yet in that he may be conſider'd as leaning to the Diſeaſe of the Times; but that he was ever touched with corruption, I do not remember it's any where ſuggeſted but by the aforeſaid Gentleman.

Sir *Edward Coke* was born in *Norfolk*, bred at *Trinity College* in *Cambridge*, and in the *Inner Temple*; where by his great Practice of the Common Law, his Profitable Places therein, his Rich Wives, and long Life, he rais'd that vaſt Eſtate tranſmitted to his Poſterity. And as he was eſteem'd the Oracle of the Laws in the Times he lived, ſo by the many Laborious Works he left; he continues ſtill to be the Guide and Director of all the Profeſſors in the Conduct of their Studies and Practice. After he had been once *Speaker* of the *House of Commons*, *Solicitor* and *Attorney General* for

for many years ; he was made *Chief Justice* of the Court of *Common - Pleas* in 1606 , and of the *King's-Bench* in 1613. The chief Reasons for which he was remov'd from the last , will be discover'd in these Discourses on the year 1616 ; and some others are glanced at in the Speech the Lord *Chancellor* made to Sir *Henry Montague* his Successor, Printed in Sir *Francis Moor's Reports*, pag. 826. The Reader will also understand in its proper place, how he again recover'd and kept in the *King's* and Earl of *Buckingham's* Favours until the year 1621: when shewing himself an active and zealous Patriot in the Parliament, he was upon the Dissolution thereof Imprison'd in the Tower, &c. And continuing of the same mind in the other, which was assembled in the latter end of K. *James's* Time, King *Charles* in the first year of his Reign, did in order to prevent his serving again, appoint him to be *High-Sheriff* of *Buckingham-shire*, tho' he had been lately a *Privy-Counsellor*, and not long before Lord *Chief Justice*, and was then, as his Grandson Mr. *Roger Coke* observes, *Seventy seven* years of Age. It may be presumed that the serving of this Office contributed to animate the zeal and activity he express'd in a subsequent Parliament ; from the which, may be conjectur'd, that he retain'd his Vigor and Parts till near the end of his Life : Which he concluded in *Septemb. 1634*, at his House at *Stoke* in *Buckingham-shire*. Having this Character given him by Judge *Croke*, That he was a Prudent, Grave and Learned Man in the Common Laws of this Realm, and of a Pious and Virtuous Life. But tho' he commits a mistake in saying that he died in the *Eighty second*, which ought to be the *Eighty sixth* year of his Age ; yet no doubt but his Commendation of Sir *Edward* is far from exceeding the Truth. As he was a Man, he was subject to Failings and Passions, but never more discover'd than in his earnest, and if I may say, ungentle man like carriage in the prosecution of Sir *Walter Raleigh* : Nor does he then seem so great an Enemy to the Prerogative, whilst he was rising in the King's Favour, as when he was fallen from it ; which takes off from the uniformity of his Character. The differences between him and Sir *Francis Bacon* were, as I conceive, Personal ; my Lord *Coke* who had the

The Introduction.

name of the greatest *Lawyer*, envied the other the Reputation of being the greatest *Scholar* of the *Profession*; and while he does sometime endeavour a little unhappily to act that Part; Sir *Francis* by his Arguments then, and by what he has left relating to the Law, shews that he was not onely an able Proficient therein, but that if others had read or writ more in that *Science*, than himself; yet few had read to better purpose, or better consider'd the nature of *Laws*, than he had done; as I may have occasion to observe hereafter, and as the Reader may something of the Disagreements between these two Gentlemen from the 20th Letter.

But Sir *Francis Bacon's* Merits procur'd him a better esteem and usage, from Persons in greater Place and Power than the *Chief Justice*, and among others from the Lord *Chancellor*; to whom he addresses the 18th Letter with Propositions at large, to have the *History* of Great Britain now united under one King, represented by some able Hand in a manner becoming the Dignity of the Subject. The succeeding Letter was presented to his Majesty together with a Specimen of the Beginning of a *History* of his *Reign*; which no Person was likely to perform better than himself; since Sir *Walter Raleigh* observes in his Preface to the *History* of the World, "That the Laws and Kinds of History had been taught by many, but by no Man better and with greater brevity than by that Excellent Learned Gentleman Sir *Francis Bacon*, viz. in his *Advancement of Learning*: And in respect also that he himself saith, he should write of Times, not onely since he could remember, but since he could observe. From what he has left, we have reason to wish, that Leisure or Inclination had permitted him to have continued the same, especially since no Hand hath effected it to any satisfaction. But how well he succeeded in relating the *History* of the *Reign* of one of the *Wiseest* of our *Kings*, is sufficiently acknowledged by other Nations as well as his own.

Yet the Books he was known to read, besides those of his Profession, and the Learning he was endued withal, which made him so great a Benefactor to the World, had been turned to his own disadvantage, and made use of a Reason why the Place of *Solicitor-General* should not be confer'd upon.

The Introduction.

xi

on him. This was a Preferment he had had in his Eye and his Hopes in the year 1595, through the Mediation of no less a Favourite than the *Earl of Essex*; But missing it then as well as after the King's Succession to the Crown, he was reserv'd for better Fortunes upon the application he made by several *Letters* in this Collection, about the beginning of the year 1607. And was sworn into the Place on the Twenty fifth of *June*, upon the removal of Sir *John Dodderidge* to be the King's *Serjeant at Law*.

The next year gave the *State* some trouble, occasion'd by the Rebellion in the Province of *Ulster*, in the North part of *Ireland*, through the great Lenity of the King. Which being happily compos'd in the year 1609: His Majesty, to the end that it might be put into a probable way of continuing quiet to Posterity, caused the forfeited Estates, which amounted to a great Quantity of Acres to be sold, and a new *Plantation* to be made; which was carried on with the greatest vigor by the City of *London*, at or near the City of *Derry*, thenceforth called *London-Derry*. Our Author writing in one of the first of these Letters, that he always wished well to this unpolished Part of the Crown, doth with the 29th Letter present to his Majesty a little Tract containing his Opinion, in what manner these new Establishments ought to be made. And 'tis probable these *Plantations* in *Ireland*, and those in the *West-Indies* carried on in the beginning of this Reign, induced him to enter into further Considerations of this Subject, which are Published in his *Essays* under that Title.

About the same time I conceive Sir *Francis* sent the 28th Letter to Sir *George Carew* the Leiger Ambassador at *Paris* together with a Treatise he had written in Latin in *Fælicem Memoriam Elizabethæ*, containing a short account of the Felicities of Queen *Elizabeth's* Life and Reign. This he did in opposition to a Book, Intituled, *Misera Fæmina*, under which notion the Pope had consider'd her in a *Bull* publish'd towards the end of her Life, while other Princes admired her Happiness; and this Piece he desires the Ambassador to Communicate to *Thuanus*, who was then compiling some Parts of his Celebrated *History*: Who in his 129th Book, which comprehends the year 1603, and wherein he gives so

just and great an Encommium of the Queen, he takes notice of his composing the Relation thereof among others from this Manuscript of *Francis Bacon*. yet the Author did not think he had done sufficient Justice to her Memory, unless it were made publick at large; and therefore we are told that by one of his Wills he desir'd it might be done. Tho' it was not performed till the year 1658, when Dr. *Rawley* Printed it among the *Opuscula*. But the Doctor to make some Compensation for this long Delay, rendred it also into *English*, and in imitation of the Author's Style, as may be seen in the *Resuscitatio*, pag. 181. and which has since been added to a late Edition of his *Essays*.

After these two Tracts, the one Political, the other Historical, comes to be consider'd a third Fruit of the same Brain, which I conceive ripen'd towards the latter end of this year, and was of a nature Philosophical. It bears the Title of *Cogitata & Visa*, and was sent in Manuscript with the 30th and following Letters to the Learned Dr. *Andrews* Bishop of *Ely*, Sir *Tho. Bodley*, and Mr. *Mathews*, whose Judgements the Author much respected. In this Ingenious Discourse, which Sir *Francis* design'd to have suppress'd from the Publick, it being his Intentions to write a just and perfect Volume of *Philosophy*; He considers the ill state and Errors of Learning, (as he had in his Book of *Advancement*, the Defects and Neglected Parts) together with the means and endeavours that were to be applied for its Reformation. A great part whereof was I think afterward dispers'd in the *Novum Organum*; and the whole was Printed by *Isaac Gruter* among the Authors other Philosophical Works: Who also Translated into *Latin*, a large Letter contain'd in the *Cabala*, wherein Sir *Thomas Bodley* made some Reflections upon the same; But whereas it is there dated the 19th of *Febr.* 1607. I conceive it is a mistake, and misprinted for 1609.

In the year 1610, he published his Book *de Sapientiâ Veterum*, of the *Wisdom* of the *Ancients*, which he Dedicated to the Earl of *Salisbury*, and the University of *Cambridge*, and with a Letter of the 27th of *February*, communicates the same to Mr. *Mathew*, whom no distance of Place, or Difference in Religion could divide from his Friendship. The Author

thor writ this Originally in *Latin*, and therein he does Illustrate the meaning contain'd under some of the most noted *Fables* and *Parables* of Antiquity. In which Allegorical way, it was not onely familiar to the first Ages of the World to wrap up some of the Mysteries of their Religion, but to instill and inculcate Wisdom. The Interpretation thereof having been attempted, as the Author observes, in a vulgar manner, and by Men onely Learned in *Common-Places*: He does therefore in the last Chapter of the Second Book of the *Advancement of Learning*, reckon the want of a nobler and better Construction among the *Desiderata* and *Deficients* in Learning; and therein selects three Examples out of this Book, in which may be seen how much *Natural, Political, and Moral* Wisdom is contain'd under the *Fables* of *Pan, Perseus* and *Dionysus*. Sir *Arthur Gorges* rendred the whole into *English*, which is usually added to the Author's *Essays*; and it is to this Book the Great Poet as well as Traveller, Mr. *George Sandys* doth in his Learned Notes on his Version of *Ovid's Metamorphosis*, acknowledge himself to be much indebted, styling my Lord *St. Albans*, The Crown of all Modern Authors.

Sir *Francis Bacon* having serv'd the King as his *Solicitor-General*, from the year 1607, not without expectation from, and application to his Majesty to be made his *Attorney* (as appears by some of the succeeding Letters) did upon the 27 of *Octob.* 1613, obtain that Place. His Predecessor Sir *Henry Hobart* was constituted *Chief Justice* of the Court of *Common-Pleas*, where he continued with much Reputation till the year 1625, in which he died upon the 28th of *December*, at his House at *Blickling* in *Norfolk*; and had given him by Sir *George Croke* one of the Judges of the same Court, and at the same time, the Character of being a most Learned, Prudent, Grave and Religious Judge. But there needs no other Testimony of the strength and clearness of his Reason, as well as knowledge in the Law, than the Monument he has erected to his own Fame in his *Arguments* and *Reports* of Cases adjudged in the Court wherein he presided.

Upon these Preferments there succeeded into the Place of *Solicitor-General*, Mr. *H. Yelverton*, as he had a little before
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The Introduction.

unto the Estate of his Father. There were many Candidates for this Office, but whether he obtain'd it by the means of the Vicount of *Rochester*, the King's then Favourite; and that afterwards in Gratitude to him he rather ventur'd to incur the Royal Displeasure, than to appear against him, upon his Trial for the Death of Sir *Thomas Overbury*, is more than I can affirm. Onely thus much I have observ'd, that in the management thereof, and of the Trials of the other Criminals concern'd in that affair, the Attorney and other Council of the King's had their Parts, whereas the *Solicitor* is never named. But however that be, it may be very well asserted, that few ever deserv'd the Place better than himself, having been for about ten years in full Business and Reputation at the *Kings-Bench* Bar, proceeding from his great Abilities, which his *Reports* of the Cases adjudged in those Times, and digested with so great Perspicuity and Brevity doth very much declare.

But the great Opinion the King sometime had of him, his falling afterwards under his Majesty's Frowns, and the Censure of the Parliament, having subjected his *Story* to the Notice of many Pens, by some imperfectly, and by others as untruly related; I shall from such Informations as I have seen, and may be more depended upon, place it in a better Light. And desire pardon if I am longer in my Discourses of this Gentleman, than of others whose Names and Actions are also treated in the following Letters. Since thereby I design to do but Justice to the Memory of a very worthy Person, whose Affections and Friendship to some of my Ancestors require no less a performance.

He descended both by Father and Mother from two ancient and gentile Families. That of his own Name had long flourished in the County of *Norfolk*, and particularly as Sir *Henry Spelman* observes at *Rougham*, from the time of King *Richard* the Second. His Father Sir *Christopher* being a younger Brother, applied himself to the Study of the *Common Law*, and thereof was made a *Serjeant*, *Speaker* of the *House of Commons*, and one of the *Judges* of the *Kings-Bench* in the time of Queen *Elizabeth*. Marrying *Margaret* the Daughter of *Thomas Catesby* of *Ecton* and *Whiston* in *Northamptonshire*, he had by her his Eldest Son, Mr. *Henry Yelverton*,
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born the 29th of *June*, in the year 1566. Who after some Academical Education at *Oxford*, was removed unto *Greys-Inn*, to be under the more immediate care and example of his Father.

Soon after that he was made the King's *Solicitor*, his Majesty confer'd upon him the Honour of Knighthood; and taking notice of his Abilities, took him into a more than ordinary degree of his Favour, so that he often requir'd his Presence and Assistance at the *Council-Table*. Upon the calling a Parliament in the year 1614, it was resolv'd by the King and Council, to have him recommended to be *Speaker* of the *House of Commons*. But upon farther Consideration, that his Services might be of more use out of the Chair, he was sent to Mr. Serjeant *Crew*, afterwards Chief Justice of the *Kings-Bench*, with an account of the King's Purpose, to have him placed therein; who was accordingly chosen by the *Commons*. And some Objection being made in that Assembly against the receiving of Sir *Francis Bacon*, as one that by his Place of *Attorney* was to attend the *House of Peers*, upon a Speech made by the *Solicitor*, the *House* was satisfied, and the *Attorney* admitted. But this Parliament being dissolved in a Heat, there was little done that *Sessions*, but a great deal after it, tending to a breach of Priviledge of the *Commons* by Imprisoning some of the most active Members.

Upon the 12th of *March* 1616, Sir *Henry Telverton* was made *Attorney-General*, so that if his Majesty was displeas'd for his refusing to appear against the Earl of *Somerset* at his Trial, which was but in the *May* before, his anger was not of a long continuance, nor had it any ill effect. But that the King afterwards resented some carriage of the *Attorney*, (but chiefly, as I conceive, through misinformation) I have reason to believe from a Letter of his, I remember to have seen, dated the beginning of *October* 1617, and written to his Majesty then lately return'd from *Scotland*, and whom he had waited upon at *Coventry*, the Second of *September* before. He therein complains of his unhappiness to fall under his Majesty's *Displeasure*, who had made him almost the wonder of his *Favour*, that he conceiv'd it to arise from some accident befell in the late business of the Marriage of Sir *John Villiers*; as also from a Report, as if he had utter'd
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The Introduction.

‘ some Speeches to the dishonour of the Earl of *Buckingham*. In both which Cases he so far Vindicates his Innocence, that he soon recover’d the Kings good Graces, tho’ he was for some Years looked upon with an evil Eye, by that powerful Lord, for opposing according to the Duty of his Place some Oppressive, if not Illegal *Patents*, the Projectors of those Times were busie in preparing: and nothing being left unattempted to remove him (tho’ he had been long supported by the King) it is no wonder that so great a Favourite at last effected his desires.

For in the Year 1620, Mr. *Attorney* being questioned for passing certain Clauses in a *Charter*, lately granted to the City of *London*, not agreeable to his Majesty’s *Warrant*, and derogatory to his Honour and Profit: It was refer’d to my Lord *Chancellor* and some others, to consider of the offence, &c. Whereupon his Lordship, and Secretary *Calvert* deliverd him a Message from the King, whereby he was offer’d to submit himself in private, or defend himself openly: Being it seems, advised to comply with the first Proposition, he answer’d, the Offer was gracious, the Choice easie, and Mercy free: But this Submission Signed by his Hand, not being thought by the Committee of Council Satisfactory enough, but that the same ought to be upon *Record*, as well as the Surrender of the City-Charter, as appears by their Letter in this *Collection*, dated the 16 of *June* 1620. An *Information* was prefer’d against the *Attorney*, the *Mayor*, &c. of the City in the *Star-Chamber*; who taking this Prosecution for a Trial, whether he would rely on the King, altho’ he saith, there was offer’d unto him and his Council, such a way of Defence, by which he might have escaped; yet he rather chose to confess the Points of the Charge, and submit himself in his Answer to the King’s Mercy. After which he received a Commandment not to speak, or write to His Majesty: So far, a Gentleman of his own retinue Writes, his Potent Enemies had prevailed against him.

Upon the 27th. of *October* following, this Cause was brought to a Hearing, before a very great Presence and Audience. And the *Information* being opened by Serjeant *Creve*, and the *Attorneys Answer* by Mr. *John Finch*; he
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himself desired, and obtained liberty to speak. Wherein he said he came to second his Submission drawn by the Pen of others; and alledged, that the Errors he was guilty of, proceeded from Ignorance, Misprison, and chiefly Credulity, and not from any Corruption: Which tho' at first might be suspected, was not now the least laid to his Charge, and concluded his Speech, which is Printed in the *Cabala*, Pag. 375. with a Request to their Lordships; that since the *Charter* was now given up, His Majesty might be acquainted with his Submission, before they went on with the Cause, himself remaining still a Prisoner to his Justice. Sir *Edward Coke* in the first place opposed the motion, as did the *Chief Justice*, and some others: But the Duke of *Lenox*, who had been always favourable to the Attorney, and the Earl of *Pembroke*, who openly promised to move the King on his behalf, carried it against them, by the consent of the rest of the Court, to the great Satisfaction of the Assembly.

Notwithstanding, the Cause was remitted by his Majesty upon the 8th. of *November*. When the King's *Solicitor* and *Council Learned*, insisted upon the several Parts of the Information; and that, tho' there was no Corruption of Reward laid to his Charge, yet that there was a Corruption in Affection, not to be allowed in a Man of so eminent a Place, and Knowledge as he was. But one of the Defendants chief Council being taken suddenly ill, the Court was Adjourn'd till the Friday following, being the 10th. of *November*; at which time his Council answered so effectually to the Inconveniencies, urged to have arisen from several Clauses in the Charter, that the chief Reason which induced the Court to censure him, proceeded from his Digression from the King's *Warrant*, which they looked upon as a Breach of Trust in so Principal a Ministerial Officer as he was, not to be excused by Error, Ignorance, or Credulity. Sir *Edward Coke*, whose place it was to begin, concluded his long and bitter Speech, with a Fine of 6000 *l.* and loss of his Place, which the rest of the Court moderated to 4000 *l.* discharging him of his Place by way of Opinion, but submitting the same to the King, during whose pleasure, they also sentenc'd him to Imprisonment in the *Tower*.

Yet Sir *Henry Felwinton*, who was Sequestred from the Execution of his Office, upon the 27th of *June*, was not wholly deprived thereof, till the *January* following; when Sir *Thomas Coventry* the Kings Solicitor, was made his Attorney General; from whence he was advanced to be Lord-Keeper of the Great Seal, in the first year of King *Charles*, and enjoy'd the same full Fifteen years, with a general Satisfaction, being an Ingenious, Wise, and Learned Man in his Profession. Pursuant to the aforesaid Sentence, Sir *Henry* was committed to the *Tower*, and while he lay there, he was by some of the Zealous Townsmen of *Northampton*, chosen one of their *Burgesses*, to represent them in the ensuing *Parliament*.

But instead of appearing in the *House of Commons* as a Member, he was in the *April* following, accused by them to the *Lords* as a Delinquent; being supposed to be guilty of some unjustifiable Actions, relating to the *Patents* of *Innes* and *Osterys*, and of *Gold* and *Silver Thread*, as also for Signing some Dormant *Warrants*, without sufficient Authority. By Virtue of these *Patents*, Sir *Giles Montpesson*, and Sir *Francis Michel*, the chief Projectors of them, at least of the first, had exacted several Sums of Money from the Subject, or Imprison'd, or Prosecuted them for refusal: So that in the succeeding *Parliament*, they were complain'd of as a very great Grievance, and the *Patents* called in, as in the process of these Letters may appear.

It is observed by *Rushworth*, that this Accusation rendred Sir *Henry* the less Offender, and that thereby he had opportunity of speaking, that at the Bar which he durst not lay in the *Tower*: declaring that he thought himself happy to be sent to that Honourable House: yet that since Wisdom required time, tho' Innocence hath her present answer, he desired some time for Consideration. But added withal, that the chief complaint against him, was concerning the *Patent* of *Gold*, &c. and that of *Innes* and *Osterys*; of which last, if he deserv'd well of his Majesty, it was in that Matter, and that the King and the Subject were more abused by that Patent, than by any other; for the opposing of which, he conceiv'd he suffer'd at that day. The King being informed of this Passage, came to the *Parliament*, and
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justified his *Attorneys* moderate Behaviour, and Opposition to the Prosecution of the Inne-keepers, and that he himself disliked those Proceedings against his Subjects : But since *Yelverton* had taxed His Majesty, that he suffer'd at that day for his good service therein, he required their Lordships to do him Justice, and punish the Slander.

Sir *Henry Yelverton* coming shortly after before the Lords, gave in a particular Answer to every Article of the Charge, which he concluded with a Speech, Printed in the first Volume of *Rushworths Historical Collections*, Pag. 32. representing his misfortune to lie under the displeasure of so great a Favorite as *Buckingham*; from whom Sir *Giles Mompesson* brought him a Message, that he should not hold his Place a Month, if he did not conform himself better to the Patent of *Innes*; for my Lord had obtain'd it by his Favour, and would maintain it by his Power. And then Sums up all in these Words.

' Soon after, I found the *Message* in part made good; for all the Profits almost of my Place were diverted from me, and turned into an unusual Channel, to one of my Lords Worthies, that I retained little more than the name of *Attorney*. It became so fatal and so penal, that it became almost the loss of a Suit to come to me. My Place was but the Seat of *Winds* and *Tempests*.

' Howbeit, I dare say, If my Lord of *Buckingham* had but read the Articles exhibited in this place against *Hugh Spencer*, and had known the danger of placing, and displacing Officers about a King, he would not have pursued me with such bitterness. But by opposing my Lord in this Patent of *Innes*, in the Patent of *Ale-houses*, &c. these have been my overthrow, and for these I suffer at this day in my *Estate* and *Fortune*, (not meaning to say, I take it, but as I know, and for my humble Oppositions to his Lordship) above *Twenty Thousand* Pounds.

The King hearing of this Speech, acquainted the Lords that he intended to do himself Justice, and repair the dishonour it reflected upon him, which they besought His Majesty to leave to them: Who without taking any notice of the Charge, exhibited by the *Commons*, did upon the 16th of *May* 1621, proceed to *Sentence*, and declared, that

The Introduction.

the said Sir *Henry Yelverton*, for his Speeches utter'd here in Court, which do touch the King's Majesties Honour, shall be Fined to the King in *Ten thousand* Marks, be Imprison'd during Pleasure, and make Submission to the King: And for those which touch'd the Marquis of *Buckingham*, he should be Fined 5000 Marks, &c. Upon which his Lordship stood up, and did freely remit him his, and the Prince, and the House of Peers, agreed to move his Majesty to mitigate the other.

What part of these *Fines* to the King were forgiven, I know not, but I conjecture he was soon after discharg'd his Imprisonment, and became again a Practiser at the Bar: Till upon the first of *May* 1625, a Gentleman from the Duke of *Buckingham*, who sometime before, was pleas'd to be reconciled to him, did without his knowledge, bring him a Warrant from the King, signifying his pleasure to make him a Judge of the Court of *Common-Pleas*. In Order whereunto he was made a *Serjeant*, on the 10th of the same Month, Inscribing upon his Rings, this Motto, *Stat Lege Corona*. In this place he remained till his Death; tho' if the Reports taken notice of by Bishop *Hacket*, in the Life of Dr. *Williams*, Arch-Bishop of *York*, and some other Writers be true, he had been made Lord Keeper of the Great Seal, if the Duke of *Buckingham* had not been cut off. The Writer of a Pamphlet, called the *Court and Character* of King *James*, which delivers all things at random; says, this Favour of the Dukes was prevented by the Judges Death, altho' he survived the Duke above a year and half: But I suspect the truth of the Relation in general, not remembering to have seen any thing of it, in some private Letters of those Times, and Written by himself and Friends. Nor was it very probable, That a Person of his Moderation and Integrity, who lamented some Irregularities of those Times, should be far advanced in them.

Beginning to be sensible of the Infirmities of Age, he concluded a Letter, Written on the 17th of *January* 16²⁹/₃₀, to a Person he much loved. And I pray help me now with *David's* Prayer, that God will not forsake me in mine Old Age, but that the weaker I grow, the stronger I may be.

be in him. And Sickening thereupon, he died at his House in *Aldersgate-street*, upon the 24th. of the same Month; and from thence his Body was carried into *Northamptonshire*, and Buried in his Parish Church of *Easton Mauduit*; in the *North Isle* whereof his Son Erected a Monument, with two-Effigies, representing him and his Lady at full Length, and with an Inscription declaring his Virtues. But I shall onely take notice of two Characters, which cannot be suspected of the least Partiality: The first given by one of his own Profession, and of his own Times, and which I presume did express the sense of them, and is found in two Books of the *Law*, viz. in *Hetleys Reports*, and the other which bears the Name of the Lord Keeper, *Littletons Reports*, tho' I conceive it was never Composed by him.

Memorandum, That upon Sunday Morning, being the 24th. of January 1639, died Sir Henry Yelverton Puisne Judge of the Common-Pleas, who before had been Attorney General to King James, and afterwards incurring his displeasure, was displaced and censured in the *Star-Chamber*. He then became a Practiser again at the Bar, from which he was advanced by King Charles to be a Judge. He was a Man of profound Knowledge in the Common Laws, and Ingenious and Eloquent in Expression; and for his Life of great Integrity and Piety, and his Death universally bewailed.

The other is part of a short Preface to his Reports, Published by Serjeant *Wilde*; a little after the Restauration of King Charles the II.

To the Restitution of the *Laws* (which this Age hath most happily attain'd) we Consecrate these Monumental Remains of Sir Henry Yelverton; a Person of so compleat a Judgment, and renowned Abilities in this most Honourable Science, advantaged by the Times, wherein he both practis'd and Judged, which were Learned, and ennobled by many eminent Sages of the Law his Contemporaries; that we shall not need to direct your Acceptance of these his Judicious Collections, which his own exquisite Pen hath commended to the World, &c.

The Introduction.

I hope the mistakes of some Authors, relating to this Gentleman, and the Falsities contain'd in the *Court* and *Character* of King *James*, will, from what I have said, appear so visible to any one [that shall have the Inclination to peruse so loose a Writer, that I need not trouble the Reader with a more particular Confutation.

By *Margaret*, the Daughter of *Robert Beale*, Esq; Clerk of the Council to Queen *Elizabeth*, and *Edith St. Barbe*, Sister to the Lady *Walsingham*; he had among other Children, his Son and Heir *Christopher*, Knighted in 1623, and made a Baronet in 1641: Who by *Anne* the youngest Daughter of Sir *William Twysden* of *East-Peckham* in *Kent*, Knight and Baronet, left Sir *Henry Yelverton*; his onely Son: Who receiving his Academical Education, under the care of Dr. *Wilkins*, the eminent Warden of *Wadham* Colledge in *Oxford*, did, towards the end of the late Times of Confusion, receive into the care of himself and Family, Dr. *Moreton*, Bishop of *Durham*; seeing that his extreme Age, and great Labours for the Protestant Religion, and the Church of *England*, could not protect him from the Troubles, the rest of his Order underwent. But Sir *Henry* having shewn himself to be a Gentleman of great Worth, and as great Learning as most of that rank in the Nation, was taken off in *October* 1670, in the prime of his Years; yet continues still to live in the Person of his Son, who in the Right of his Mother, the Daughter and Heir of *Charles Longueville*, Lord Grey of *Ruthyn*, became intituled to that Honour, and by the Favour of his present Majesty, *Viscount de Longueville*.

Having now done with this large Digression, I shall for the future confine my self closer, to the subject matter of these *Letters*. Those which were written in *January* and *February* 1615, relate much to the Treasons, of which one *Peacham* and *Owen* were accused. *Peacham's* Crime was for inserting several Treasonable Passages in a Sermon, never Preach'd, nor as Mr. *Justice Croke* saith, ever intended to be Preached, but onely set down in Writings, and found in his Study. His Majesty desiring to know the Opinions of some of the Judges, before he was judicially proceeded against, the chief Justice *Coke* was not prevailed upon to
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give his, without much difficulty, (as will appear therein) as a thing unusual, and which he fear'd might be of ill consequence. But tho' *Peacham* was Indicted and found guilty, yet he was not Executed. Judge *Croke* observing in his *Reports* of the Time of King *Charles*, Pag. 125. that many of the Judges were of Opinion, that it was not *High-Treason*. How much harder Fate, a Gentleman, of Quality and Learning suffer'd, not many years since, in a case not unlike, I need not remember, the Legislature of the Nation having done it by reversing the Judgment.

The other Case was that of *Owen*, of *Godstowe* in *Oxfordshire*, who returning out of *Spain*, did not onely affirm, but inforce with Reasons, a Doctrine, which 'tis probable *Suarez*, and some other Jesuits had disseminated in that Country, *That if the King were excommunicated and deprived by the Pope, it was lawful for any Person to kill him.* This being a Position in direct Terms, contrary to the late Oath of Allegance, and of dangerous consequence, if believed and propagated; it was thought necessary that he should be made an Example. And accordingly in *Easter-Term* 1615, he was Prosecuted and Convicted in the *King's-Bench*: My Lord *Coke* and the other Judges of that Court declaring, That it was *High-Treason*, within the Statute of the 25th. Year of *Edward* the III. great part of the Charge Sir *Francis Bacon* delivered against him at his Trial, is extant in the *Resuscitatio*, pag. 67.

From the Court of *Kings-Bench*, the same Letters lead me to the Court of *Star-Chamber*. For a Parliament having been convened in the year 1614. and the King's Expectation of Supplies defeated by the Heats of some of the Lower-House, which hastened a Dissolution; Several of the Nobility and Clergy about *London*, made at least, a seeming, voluntary *Present* to the King, which the Council taking notice of, and being willing to encourage such an Example, and make it more diffusive; they writ Letters to the *Sheriffs*, and *Justices of Peace* of the Counties, and *Magistrates* of several Corporations, informing them what had been done above, and how acceptable and seasonable the Bounty of his Subjects would be to the King and his Occasions: But without any Clauses of Compulsion, or requiring

ing or returning of the Names of such as should refuse: Among others, one was directed to the *Mayor* of *Marlborough* in *Wiltshire*, where *Mr. Oliver St. John*, a Gentleman of an ancient Family was then residing: Who being consulted thereupon, he wrote a Letter to the *Mayor*, upon the 11th. of *October* 1614. (which is Printed in the *Cabala*, pag. 333.) representing to him, that this *Benevolence* was against the *Laws*, *Reason*, and *Religion*: Insinuating, That the King by promoting the same had violated his *Coronation Oath*; and that by such means as these King *Richard* the II. had given an opportunity to *Henry* IV. to deprive him of his *Crown*; desiring, if he thought fit, to communicate his Sentiments to the *Justices*, who were to meet about the *Benevolence*. For this action, *Mr. St. John* was Prosecuted in the *Star-Chamber*, and upon the 15th of *April* 1615, the Cause was brought to a Hearing, as appears by *Sir Francis Bacon's* Letter of that date. In this Court, which was Compos'd of a great many Lords of the *Council*, the *chief Justices* and *chief Baron*; some of them thought, that this Offence was of a higher Nature than a Contempt: But they all agreed, That this *Benevolence*, as it was circumstanced, was not restrain'd by any of the Acts of *Parliament*, which Prohibits that sort of Taxation, and that the Defendant should be Fined 5000 *l.* Imprison'd during the King's Pleasure, and make Submission in Writing, which he accordingly did.

In the succeeding *Reign*, this Matter was carried on with a much higher Hand. For upon *Commissions* which were given out, to raise Money by a *Loane*, according to the Valuations of Estates: Several Gentlemen of Quality were Imprison'd for refusing to Subscribe thereunto, and among others *Sir Thomas Wentworth*, afterwards the eminent Earl of *Strafford*. And the whole Proceeding was so ill resent-ed by the *Commons*, and as it were denounced against by *Sir Edward Coke*, that it was condemned and declared illegal in the *Petition of Right*, presented to King *Charles*, and Established by Act of *Parliament*, in the Third Year of his *Reign*.

But

But the entrance of the year 1615, was most remarkable for the Declension of the Earl of *Somerset's* Favours and Fortunes, and the appearance of a New-Star in Court, that was soon after display'd with a much greater Lustre. I shall not pretend to determine whether it was design or chance, that first placed Mr. *George Villiers* in the Eye and Observation of the King; but it's very evident that he soon became, and long continued an agreeable Object. He was the second Son of Sir *George Villiers* of *Brokesby*, in the County of *Leicester*, by *Mary* his second Wife, Daughter of *Anthony Beaumont* of *Cole Orton*, Esq; both Names of *Norman* Extraction, and of great Antiquity in the said County; so that one would have thought, that his greatest Enemies would have allow'd him a gentile Descent from both his Parents. With what swiftness he rose in the King's Affections, it will be easie discover'd by observing the Times, in which Honours and Offices were confer'd upon him: But I shall onely touch upon the most considerable. Upon the 24th. of *April* this year, he was Knighted, and made one of the Gentlemen of the *Bed-Chamber*, and Master of the *Horse* in *January* following; and again upon the same day of *April*, in the next year, Elected into the Society of Knights of the *Garter*, created Baron *Blechely*, and Viscount *Villiers*, in the succeeding *August*; which Title was soon conceal'd by that of *Earl*, given in *January* 1616, of *Marquis*, a year after, and lastly of Duke of *Buckingham* in 1623; having some years before been constituted Lord Chief Justice in Eyre of all the *Forests*, and Lord High Admiral of *England*.

It will not be easie to give any just Character of this Noble Person, to whom very many of the following *Letters* are address'd, which shall not even at this Distance of Time be lyable to much Exception. For they, who shall consider him as a young Gentleman of the most exquisite Composition of Body, of a Beautiful yet Manly Countenance, of a Nature Noble and Munificent, Faithful to his Friends, Indulgent and Bountiful to his Servants and Followers; who shall consider him not onely in the Favour of two Successive Kings, but of the *Parliament* also after his Return from *Spain*; when he receiv'd the Thanks of the House of Com-

mons, for breaking off a Treaty of Marriage, so long carried on in Delusion of the King, and Discontent to the People; will have Idea's of him far differing from those who shall only behold him Painted out in the Colours of the 2d Parliament of K. *Charles*. By which he is represented as Guilty of accumulating many *Honours* and *Places* of Trust and Profit, some of them improper for a Person of so young an Age; others inconvenient in one Hand, if not incompatible; of diverting so great a proportion both of Lands and Money of the Crown, from the publick Service, to his, or his Friends private advantage; and of many other offences particularly set forth in their *Impeachment*. And lastly of miscarrying afterwards in the Relief of *Rochelle*, by some attributed to his want of Conduct, or to worse Principles; whereby so great a Blow was given to the Interest of the *Reformed Religion* in *France*. All which raised so Popular an Odium upon him, that tho' he better escaped the Zeal of two Parliaments by their sudden Dissolutions, than probably he would have done by his Trial and Answers, how effectual soever they might be thought; yet he seems to have fallen upon the 23d of *August* 1628, as a Victim to the Rage of the People, tho' a single and a discontented Hand gave the stroke that put a Period to his Life, when he had just completed the 36th year of his Age.

Having thus briefly run over the Causes of the Fall of this Great *Favourite*, I am by the Course of many of the following *Letters* written in the latter end of the Year 1615, and the beginning of the next, obliged to look into the chief, if not onely cause of the Fate and Ruine of his *Predecessor*. They relate very much the Cautions that were to be observ'd, and the measures that were to be taken before the Earl of *Somerset*, and his *Lady*, were to be brought to their Trials for the Impoysoning of Sir *Thomas Overbury*. This is a Story well known in the general, yet perhaps I may not displease the Reader, to lay before his view a particular account of this Tragedy.

For which purpose it will be necessary to look back a few years, wherein we shall find Sir *Robert Carre* a young Gentleman of *Scotland* standing in great Favour with the King, Created Viscount *Rochester*, and not long after Earl
of

of *Somerset*. But if the King discharg'd his Secrets and Cares into the Bosom of this Lord, his Lordship repos'd himself to a great degree in the Advice and Friendship of Sir *Thomas Overbury*. He was Son to Sir *Nicholas Overbury* of *Bourton* upon the *Hill* in *Gloucestershire*; Educated at *Queens-College* in *Oxford*; and in the *Middle-Temple* in *London*; of which Society his Father was one of the Governours. After some time spent beyond the Seas, he was at his return look'd upon as endued with Excellent Parts, both natural and acquired, and with Wisdom and Knowledge above his years. The Lord *Rocheſter* imbraced him with so entire a Friendship, that exercising (by his Majesty's special Favour) the Office of *Secretary* Provisionally, he not onely communicated to Sir *Thomas* the Secrets, but many times committed to him the *Packets* and Letters unopen'd before they had been perused by the King or himself, which as it prevail'd too much upon his early years, so as to make him in the opinion of some thought haughty and ambitious; yet he was so far from violating his Trust and Confidence, that he remains now an Example, among others, that have suffer'd in their Persons, or their Fortunes; for a Freedom of Advice, which none but sincere Friends will give, and many are such ill Friends to themselves, as not to receive. The occasion whereof was this:

My Lord of *Essex* having been Married very young unto the Lady *Frances Howard* Daughter of the Earl of *Suffolk*, was sent abroad for some years; and returning about the time he came of full Age, to enjoy his Plentiful Estate, and beautiful Wife; he found notwithstanding all his kindness to her, her Affections alienated from him, and placed in so high a degree upon the Person of the Lord *Rocheſter*, that she used all the arts her self, or wicked assistants could invent, to render *Essex* as cool and impotent towards her, as she was indifferent to him. It was no difficulty for her to obtain the love of the other young Lord, but how to remove a Husband she hated, and obtain for a Husband the Man she loved, required the skill and conduct of her Uncle the Old Earl of *Northampton*, a Man of Great Learning, and since the King's Accession to the Crown in great Favour: which was effected in this manner.

Complaint being made on the behalf of the Countess, that tho she had been long married, she had not enjoy'd the Comforts of the Conjugal Bed. The Archbishop of *Canterbury* with some other *Bishops* and *Civil Lawyers*, were Delegated to examine into the validity of her Proofs and Allegation. The Earl whether or no wearied with his Wife, or really become by their Contrivances, *Imbecillus quoad Hanc*, did not much contest the Matter, so that by the Majority of the Commissioners the *Marriage* was declared Null, and the Parties at liberty to Marry again. But the *Archbishop* and some others dissenting, this Affair did not pass over without the Censure of the Times. Herein Sir *Thomas Overbury*, who is said to have been averse to the House of the *Howards*, acted the Part of a true Friend with greater Freedom than security to himself; Dehorting the Lord *Rocheſter* from Marrying this *Lady*, with many Reasons; some of them reflecting upon her, all of them tending to frustrate her Designs: It turned her Rage and Anger into Fury, not to be satiated but with his Death. Tho' the procuring thereof, cost her self and Friends much trouble in the end, and left an ill stain upon the memory of the Earl of *Northampton*.

Many ways were proposed for the removing of *Overbury* which were not approved: That agreed to, was the Kings naming him for Ambassador into *Russia*, which whilst he was preparing to undertake, the Lord *Rocheſter* does dissuade him from accepting, and at the same time represents to the King his Refusal as so great a Contempt, that he was committed to the *Tower* upon the 21. of *April* 1613. The *Lieutenant* being thereupon remov'd, and Sir *Gervase Elwayes* put into his Place, who together with *Weston* a new Under-Keeper were likely to be more subservient to their Ends. The Poor Gentleman who ought to have been safe under the Custody of the Law, is kept, as Sir *Francis Bacon* observes, in a Prison, open to his *Enemies*, and closed to his *Friends*, being denied the Comfort of his Father, and near Relations, or the use of a Servant, who desired to perform his Duty at the loss of his own Liberty. He was not under this Constraint above two Days, when *Weston*, by direction, gives him Poyson in his Broth, which he repeats from time

to time in his Tarts and other Meats ; so that his *Table is made a snare unto him*. But he being young and of a healthy Constitution by the frequent use of Poyson, began to resist the force of Poyson ; so that *Weston*, who had been an Apothecaries Man, being upbraided for not doing his Work, said, he had given him enough to have killed twenty Men. At length after he had been deluded with some Hopes of Deliverance, but really pursued and chased near to Death, a Glister compounded of rank Poysons, administred under pretence of ease, put an end with much Torment to his miserable Life, upon the next day, being the 15th of September 1613.

In this manner fell Sir *Thomas Overbury*, worthy of a longer Life, and of a better Fate. And, if I may compare Private Men with Princes, like *Germanicus Cæsar* ; both by Poyson procured by the malice of a Woman, and about the 33d years of their age. Both celebrated for their Skill and Judgment in Poetry, their Learning and Wisdom. But all appear'd with a greater Lustre in *Germanicus*, from the height of his Birth and Valour, and Felicity in War, and that singular sweetness of Disposition, which drew upon him the Love of the *Roman Empire*, and even of their Enemies. The other a Gentleman of an Ancient Family, has had some Blemish charged upon his Character, through the too great ambition, if not insolence of his Temper.

Among other of his Compositions which are in Prose, he writ a little *Poem* concerning the Choice of a *Wife*, which I suppose was chiefly designed for the service of his Lord. It was Printed in his Life-time, and several times after his Death, with many Commendatory Verses, upon the Author and the Book, of which number was *Ben. Johnson* ; which with the manner of his Death, gave occasion to one of his Friends, to write the following Lines, which I have seen under his Picture.

*A Man's best Fortune, or his worst's, a Wife.
Yet I, who knew nor Marriage Joys, nor Strife,
Live by a Good, by a Bad one lost my Life.*

But

The Introduction.

But tho' this work of Darkneſs lay conceal'd for ſome time, through the management of the Parties concern'd, and the Verdict of the *Coroner's Jury*, finding that *Sir Thomas* died a Natural Death ; yet the *Murmur*, it not voice of the *People*, by whom he was generally beloved living, and lamented dead, did ſtill preſerve the ſuſpicions that he came to a Baſe and untimely end. Which was fully proved about two years after his Death, and almoſt as much as *Rocheſter* now made Earl of *Somerſet*, was Married to the *Lady* ; which Ceremony was celebrated at Court with all imaginable Joy and Splendor, upon the Sixth of *December* in the ſame year.

The means of the Diſcovery of this Murder being reported various, I ſhall mention but one, as ſuppoſing it the true one, being inſiſted on by *Sir Francis Bacon*, at the Trial of the *Lady Somerſet*, and related in the Hiſtory written by the Earl's Country-man Archbiſhop *Spotswood*. The Earl of *Shrewsbury*, recommending *Sir Gervas Elways* as a Gentleman of Quality and good ſenſe to the acquaintance of a certain Nobleman, was told by him that nothing detracted ſo much from his Reputation as the ſuſpicion of his being concern'd in the Death of his Priſoner, and wiſhed he could clear himſelf. Upon notice thereof, *Sir Gervase* to get the ſtart of any other Information, acquainted them both, that indeed he had caſually diſcover'd *Wefton's* Intentions to Poyſon *Sir Thomas*, but that he had made him ſo ſenſible of his Crime, as that falling upon his Knees, he ſeriously profeſſed that he would never attempt it more. And that *Wefton* being ſet on by Perſons in great Favour at Court, he could not, without great danger to himſelf, reveal the Deſign. This he alſo urged at his Trial, as if he was onely Guilty of a Miſpriſon. But all Circumſtances being weighed, which evinced he went farther than a bare knowledge, and at laſt a Paper produced under his own Hand, ſo confounded him, that it quickly put an end to his Defence. So that at his Death, which he reſolutely and piously ſuffer'd, he frankly acknowledg'd his Crime.

When

When this matter began to take air, the Earl of *Somerset* applied himself to Sir *Robert Cotton*; a Gentleman, whose Name must always be Sacred, for his Great Learning, and greater care and charge in collecting that incomparable Treasure contain'd in his *Library*; as his worthy Grandson Sir *John* receives the applause of the present age for his so generously perpetuating the same by a late Act of *Parliament*. Sir *Robert* could not refuse to give a Friend his best advice upon such an unhappy Occasion, which was to secure all by a large Pardon, according to some Presidents he then produced. For these consultations, as we are inform'd in his *Life*, prefix'd the Catalogue of his Manuscript; and for some other things appearing in these *Letters*, he was committed to the Custody of an Alderman of *London*, and often Examin'd, but discharg'd without the least Imputation of being concern'd in *Somerset's* Guilt.

The *King* on the other Hand, with a zeal becoming him as the Head and Fountain of Justice, commanded the Chief Justice *Coke* to search the Business to the bottom; which he performed, declaring that he had taken three hundred Examinations therein, but finding Great Persons concern'd, he procured others of Great Quality to be joined in Commission with him. And upon the 19th of *October*, *Weston* the Principal was brought to his Trial; but, according to Instructions, as was suppos'd, he refus'd to plead to the *Indictment*. The Judges who threatned him with the severity the Law inflicts upon those who will not submit to the Law, yet thought it best to defer any further Proceedings for a few Days. In which time, by the means of some Eminent Divines he was brought to a better Temper, and confessing the Fact, was Executed shortly after at *Tyburn*.

The Earl of *Somerset*, whom it concern'd to have this Confession invalidated, was not fallen so low, but that he had some Gentlemen of Quality, the one by a *Book*, the others by *Questions* proposed to *Weston* at his Death, sought to make him recede from what he had declared. For which offence they were upon the Tenth of *November* Prosecuted in the *Star-Chamber*, and the Particulars thereof represented by Sir *Francis Bacon* in his Speech Printed in the *Resuscitatio*, pag. 72. Soon after Mrs. *Turner* the Procurer, *Franklyn* the
Pre-

Preparer, and Sir *Gervas Elways* the Approver of this Im-
 poysonment, suffer'd the same Fate with *Weston*. And a-
 bout the same time this Lord was committed to the *Tower*,
 and his Lady, being Great with Child, to private Custody ;
 for which reason, and some other intervening Occasions,
 they were not tried till *May 1616*. On the 24th of which
 Month the Lady *Somerset* was brought before the Lord *Chan-
 cellor*, being then Lord *High Steward*, and several other Peers
 appointed to pass upon her ; and being Indicted as Accessa-
 ry before the Fact, she with many Tears confessed her Guilt.
 And being further asked what she had to say why Judge-
 ment of Death should not be pronounced? She replied, *That
 she had nothing to say for her self, but a great deal against her self* :
 Onely that she implored the King's Mercy, and that their
 Lordships would be her Mediators.

Her Youth, her Beauty, her Sex, and Quality, which
 moved Compassion in the Spectators, who otherwise detest-
 ed her Crime, could not be less preyalent with the Nobili-
 ty. The King inserting in the Preface to the *Patent* of her
Pardon, the Intercession of the Lords, as a reason of his
 Clemency, as well as the malice of ill Agents about her,
 and the satisfaction that already had been made to Ju-
 stice.

The next day her Lord acted his disastrous Part upon the
 same stage ; and as he had continued obstinate hitherto, per-
 sisting in his Innocency, so he now pleaded not Guilty.
 But after a Trial of many Hours, he was Convicted, and
 Sentence given against him. The King pardon'd him as to
 his Life also, and in the year 1621 releas'd them both out
 of the *Tower*, till which time, and in which place they had
 suffer'd Imprisonment, thereby verifying the Prediction of
Overbury sent to this Lord, *That he should repent that in the
 Tower, which he had committed against him being a Prisoner
 there*. But how merciful so ever the King appear'd in ab-
 solving of these Noble Persons, it has given occasion to
 some others, to reflect upon the Imprecations he is re-
 ported to have laid upon himself and Posterity, if he spa-
 red any Person, how great soever concerned in this Mur-
 der.

There

There are many Books extant, from which I have extracted this Narration, but no part pleas'd me better than the Eloquent Speeches made by Sir *Francis Bacon* then Attorney General at the Trials of the Earl and Countess of *Somerset*, and no where correctly Printed that I know of, but in his *Remains* Published 1679. Tho' they deserve a Place among his other Orations contain'd in the *Resuscitatio*.

It is reported that the Chief Justice *Coke* let fall some words at the Trial of Sir *Thomas Mounson*, (for being Accessary to *Overbury's* Death,) and committed some things previous to that of *Somerset's*, which gave great offence at Court; so that his disgrace being soon perceiv'd, Sir *Francis Bacon* takes that opportunity to send him a large and seasonable Letter of Advice, Printed in this Collection, Numb. 70. with all the Correctness I was able to give it. These things being aggravated with some other Proceedings as displeasing, in the beginning of this year, deprived him of his Place before the expiration of the same.

The *First* I shall take notice of, was occasion'd through the great difference which arose between the Lord Chancellor, and the Lord Chief Justice, concerning the Jurisdiction of the Court of Chancery, and the Kings-Bench, which was moved upon this account. One Mr. *Courteney* suing in the Chancery to be reliev'd against a Judgement obtain'd at the Common Law; an Indictment for a *Præmunire* grounded upon the Statute 27 Ed. 3. cap. 1. was prefer'd, against him and his Agents, in the Kings-Bench at the end of *Hillary-Term*, 1618. Tho' the Jury refus'd to find the Bill, yet thereupon sprung that contended Question, *Whether by virtue of the said Statute, and that of the fourth year of Hen. 4. cap. 3. the Chancery, after Judgement given in the Courts of Law, was prohibited from giving Relief upon matters arising in Equity; which the Judges at Law could not determine or relieve.* The attempt made upon this Great Court was not more grievous to the Lord Chancellor, than the manner of proceeding in it, being at a time when his Lordship was so ill, as that his Life was almost despaired of. But this Controversie is so fully represented in the 57th, 58th, and 59th Letters, and the first part of the Memorial, Numb. 73. that I need not trouble the Reader, with any repetition of it in this Place. Onely it may be

convenient to declare, that the King as Supreme Judge of the Jurisdictions of his Courts, used the utmost care to inform himself therein ; and refer'd the same to Sir *Fr. Bacon*, and Sir *Hen. Yelverton* his Attorney and Solicitor, Sir *Henry Montague*, and Sir *Ranulph Crewe* his Serjeants at Law, and Mr. *Walter* the Prince's Attorney, all Eminent Men in their Profession. Who upon a serious Consideration of the Statutes, and the occasion of making them, and of the *Presidents* since that time ; did in *April 1616* present the King with their Opinions and Reasons why they conceiv'd these Statutes did not extend to the Court of *Chancery*. Consonant to which Resolution his Majesty upon further advice, gave Judgement in *July* following ; and order'd the Case, the Certificate, and the Transactions thereupon to be Inrolled in the same Court.

Sir *Francis Bacon* who had not onely given his Opinion, according to his Oath as *Attorney-General*, but I think also, as *Privy-Counsellor* ; to which Trust he was about this time admitted, did likewise the next year, upon taking his Place as *Lord Keeper* among divers *Rules* he laid down, by which to govern himself, which are Printed in the *Resusc.* pag. 81. declare his Sentiments in the following words.

— “ The *second* Point concerneth the Time of the Complaint, and the late Comers into *Chancery* ; which stay till
 “ a Judgement be passed against them at *Common-Law*, and
 “ then complain : Wherein your Lordships may have heard
 “ a great Rattle and Noise of a *Premunire*, and I cannot
 “ tell what. But that Question the King hath settled according
 “ to the ancient *Presidents*, in all times continued. And
 “ this I will say that the Opinion not to relieve any Case
 “ after Judgement, would be a guilty Opinion. Guilty of the
 “ Ruine and Naufrage, and perishing of infinite Subjects.
 “ And as the King found it well out, why should a Man
 “ fly into the *Chancery* before he be Hurt ? The whole need
 “ not the Physician but the sick. But, my Lords, the Power
 “ would be preserv'd, but then the Practice would be moderate.
 “ My Rule shall be therefore, that in Cases of Complaints after Judgements, (except the Judgements be upon
 “ *Nihil dicit*, which are but Disguises of Judgements, or obtained

“ tained in contempt of a Preceding Order of this Court;)
 “ yea and after *Verdicts* also; I will have the Party Com-
 “ plainant enter into good Bond to prove his Suggestion;
 “ so that if he will be relieved against a Judgement at Com-
 “ mon-Law, upon matter of *Equity*, he shall do it, *Tanquam*
 “ in *vinculis*, at his Peril.

This Opinion which he deliver'd in the Presence of a Large and Honourable Assembly, He some years after seems to declare to the World in certain *Aphorisms* concerning the Universal and Natural *Fountains* of *Justice*, from which the several *Streams* of *Civil Laws* are to be derived; which are contain'd in the *Eighth Book* of his *Advancement of Learning*.

Aphorismus 35.

Habeant similiter Curia Prætoria Potestatem tam subveniendi contra Rigorem Legis, quam supplendi Defectum Legis. Si enim porrigi debet Remedium ei, quem Lex præterit; multo magis ei quem vulneravit.

There are others of the like nature, which I shall leave to every Person to consult as he please; having only pointed out the place where these and many other admirable *Aphorisms* relating to *Laws* are to be found.

It may be presumed that my Lord *Coke* not onely submitted, but acquiesced in the Justice of the Judgement given by the *King*, as before is related. Because that being an active Member in four *Parliaments* after this time, which redress'd several Publick Grievances; I do not find that ever he reflected upon this. And the Court of *Chancery* proceeded therein, in my Lord *Bacon's*, the Bishop of *Lincoln's*, and Lord *Coventry's* times, in the same manner it had done before. 'Till after the Printing of Sir *Edward Coke's* third and fourth *Institutes* many years after the Author's Death, and upon viewing some Cases he had inserted therein, or Collected during the Heat of these Debates; the *Question* began to revive, and particularly in the year 1658, &c. in the Case of *Harris* and *Colliton* in the *Exchequer*; some of the Arguments made in that Case *Pro* and *Con*, are now in Print, and one wherein this Power of the Courts of *Equity* was at large asserted, I have seen. But there is a Learned Gentleman now

living, who lately presided in that Court, who did then in that Case, and hath since, maintain'd the contrary in a Book which is Printed, but not Published; so that I never had the opportunity of seeing it but for a few minutes; for which reason as well as many others it does not become me to deliver any Opinion. But the Certificate in King *James's* Time, and the Resolutions thereupon, which were made publick many years since, and lately with some additional Arguments at the end of the first Volume of a Book in *Octavo*, Intituled, *Chancery Reports*, seem to give a clear and satisfactory account of this Matter.

But this was a time, in which my Lord *Coke* was not onely contending with the Lord *Chancellor*, but with the King himself: For His Majesty being informed, That in the Arguments concerning the great Case of *Commendams*, some Positions were affirm'd by one of the Counsel, which touch'd him nearly in his Prerogative, as to the granting of *Commendams*: He did by Letter of his *Attorney general*, require the *Judges*, for some Reasons, to defer their arguing the case for a little time, till His Majesty could have Conference with them. But the *Judges* disobey'd the Letter, and proceeded in the Cause: For which they were convened before the King and *Council*; where at length, they all, except the chief Justice *Coke*, fully submitted themselves. But I believe the Reader will be so well pleased to view the whole Process hereof contained in the 72d. Letter; the latter part of the *Memorial* Number 73, and in the *Act of Council*, of the 6th of *June* 1616, drawn up by Sir *Francis Bacon*; that it would be superfluous to make any relation of that here, which is so fully represented in its proper place. And if he shall be as curious to know the Matters in *Law* arising thereon, he may find them largely and elaborately reported by my Lord chief Justice *Hobart*, in his Argument of the Case of the Bishop of *Lichfield* and *Coventry*; and not of *Lincolne*, as by mistake it is Written in the aforefaid *Memorial*.

It is not to be doubted, But that these Proceedings, made my Lord *Coke*, sit both uneasy, and insecure upon the *Bench*: But the chief cause of his removal from it, according to Mr. *Roger Coke* his Grandson, was his refusal to admit

mit of the *chief Clerk*, for inrolling of Pleas in the Court of *Kings-Bench*, at the Nomination, and in Trust for Sir *George Villiers*, and upon the Surrender of Sir *Nicholas Tufton*, made Lord *Thanet*, in consideration thereof. In the Person, I am sure he is mistaken, tho' he may be right in the Cause, which may in a great measure, be Collected from some of the ensuing Letters: And in short appears to be this. Sir *John Roper*, who had many years enjoy'd this profitable Place, esteemed to be worth then about 4000 *l. per Annum*, being grown very old, was prevail'd with, to surrender the same upon being created Lord *Teynham*, with a Reservation of the Profits thereof to himself during his Life. Upon which Surrender, Sir *George Villiers* was to have the Office granted to two of his Trustees, for their Lives, as it seems the Earl of *Somerset* was to have had before. But my Lord *Coke* not being very forward to accept of the same, or make a new Grant thereof upon these Terms: He was upon the 3d. of *October* 1616, commanded to disist from the service of his Place, and finally removed from it, upon the 15th day of *November* following. His Successor Sir *Henry Montague*, third Son of Sir *Edward Montague* of *Boughton* in *Northamptonshire*, Recorder of *London*, and the King's Serjeant, being more complaisant; Sir *John Roper* resigned towards the latter end of the same Month, and Mr. *Shute* and *Heath*, who was afterwards the King's Solicitor General, being the Deputies and Trustees of Sir *George Villiers*, were admitted.

I think there was no Question at that time, or long before, or since that time, but that the Disposition of this Office, rested intirely in the *Chief Justice* of the Court: Till the Right of the present Ornament thereof, the Honourable and Learned Sir *John Holt*, came to be contested a few years past, by Her Grace the Dutchess of *Grafton*, by Virtue of a *Patent*, granted from King *Charles* the II. What Agitation it had in that, and also in a higher Court, is so fresh in Memory, that it need not to be related.

I have formerly mention'd how abruptly, and in what ill humor, the King parted with his Parliament in the year 1614. And have touched upon one of the way's his Majesty afterwards took to supply the Occasions of his Crown,
and

and of his Court. But among all the Projects for procuring of Money, in which this time abounded, none seem'd more Specious, or more Conducing to the Publick Good than that; which in the year following was propos'd, through the Lord *Treasurers* means, by Sir *William Cockayne*, a Rich and Understanding Alderman of the City of *London*. For the *Society* or Fellowship of the *Merchant Adventurers*, having enjoy'd by Licence from the Crown, a Power of Exporting yearly, several Thousands of *English* Cloths Undyed: It was imagin'd, that the King would not onely receive an Increase in his *Customs*, by the Importation of Materials necessary for *Dying*, but the Nation a considerable advantage, in imploying the Subject, and improving the Manufacture to its utmost, before it was Exported. This Proposition being besides attended with the offer of an immediate Profit to his Majesty, was soon embraced; the *Charter* granted to the *Merchant Adventurers* recalled, and Sir *William Cockayne*, and several others Traders Incorporated upon certain Conditions; as may in part appear, by Sir *Francis Bacon's* Letter to the King, dated the 12th. of *August* 1615. Tho' some others in that, and in the following year, soon inform us, what Difficulties the King and *Council*, and indeed the whole *Kingdom* sustain'd thereby. For the Trading Towns in the *Low-Countries* and in *Germany*, which were the great Mart and Staple of these Commodities, perceiving themselves in danger of losing the Profit, they had long reaped by *Dying* and Dressing great Quantities of *English* Cloth, the Dutch Prohibited the whole Commodity: And the Materials being either dearer here, or the Manufacturers less skilled in fixing of the Colours, the vent of Cloth was soon at a stand; upon which the Clamour of the Countries extended it self to the Court. So that after several Attempts to carry on the Design, Sir *Francis Bacon* finding the New Company variable in themselves, and not able to comply with their Proposals, but making new and springing Demands, and that the whole matter was more and more perplex'd; doth upon the 14th of *October* 1616, send a Letter to the Lord *Villiers*, inclosing his Reasons, why the *New Company* was no longer

longer to be trusted, but the *Old Company* to be treated with and revived. In which service I find Sir *Lionel Cranfield*, by his Letter of the 30th of *March* 1617, and some others, had been so industrious, that the Dyers and Cloth-Workers of the City of *London*, perceiving their expectations likely to be defeated, threatened him and some of the *Old Company* with Destruction: Insomuch, that he therein desires the Lord *Villiers*, that if he perish by them, his Lordship would be good to his Wife and Children, and procure their *Wardship* to be committed to her.

After an offer made of a 100000 *l.* to the King, by some Members of the *Old Company*, to have their *Charter* restored; it was found, that by reason of the disorders in Trade, both at home and abroad, it would be very pernicious to them to raise so great a Sum; How much soever the King's occasions wanted the same, or how great soever their desires were to be reestablished: So that the Earl of *Suffolk*, Lord *Treasurer*, Sir *Ralph Winwood* Secretary of State, and Sir *Fulke Grevil*, Chancellor of the *Exchequer*; do by their Letters sent to my Lord *Buckingham*, a little before the King's return from *Scotland*, certifie to his Lordship in this manner. "According to the Directions of your Lordship's Letter, we have called before us the principal of the *Merchant Adventurers*; and after divers Conferences, we have under His Majesties Approbation, thus concluded with them. That upon the Signing of a *New Charter* with the self same Immunities and Privileges, which formerly they enjoy'd, and the Publishing of a *Proclamation*, for the better advantage of their Trade; they shall pay the Sum of 25000 *l.* and within three Months next after 25000 *l.* more. This is the greatest Sum that we are able to draw from them, and that with some difficulty, &c. Pursuant hereunto, and to a Power of *Revocation* contain'd in the *New Charter*, that was recalled, and a Proclamation Published for restoring the *Old Company*, dated the 12th of *August* 1617, at *Ashton* in *Lancashire*, where the King then lay in his Passage from *Scotland*; and soon after another *Charter* was granted to them.

But the Loan of this Money, and several Sums to the King and Queen of *Bohemia*, attended with the Decay of their

their Trade, had so wounded this antient Society of *Merchant Adventurers*, (under whose Nursing care, the Woollen Manufacture had for some Ages been rising to such degrees, as to become the Glory and Riches of the English Nation, and the envy of its Neighbours;) that I fear they are not yet in any probability of recovering their former Strength and Beauty. This brought them into Debt, and Debts occasion'd them to lay some Impositions upon Cloth, which the House of *Commons* censur'd by their Votes, in *April* and *May* 22d. *Jacobi*, and thereby drawing down the anger of the Parliament a little upon that Body, which had so frequently tasted their Favours: By whom many Laws had been pass'd to their advantage; none as I think to their prejudice; But in the 12th year of *Henry* the VII. and in a case which has some affinity to this, as may be seen in the *History* of that Reign, Written by my Lord *St. Alban*, Pag. 161. 2. 3.

How prejudicial this Proposal of Sir *William Cockaine* proved in the end, may be collected from the Answers this *Company* gave to the *Interlopers* Reasons, for a Free Trade offer'd to a grand Committee of Trade, in the 14th year of King *Charles* the II. Wherein they declare, That thereupon the *Dutch* set up the Manufacture of Cloth; and altho' upon the repealing the New Charter, the Trade was fallen into its old Channel again, yet they would never revoke the Prohibition of all English Cloth Dressed and Dyed: After much Altercation between the Free Traders and the Company, the King confirm'd their Charter.

In this contest between these two Bodies Politick we have seen how fatal it proved to the one, and how mischievous to the other. In the next place I shall consider a greater inconvenience, which about the same time affected the Publick, through the frequent Revenge of Private Quarrels by *Duels*. By this means a Fountain of Blood had plentifully flow'd in *France*, notwithstanding the Severe *Edicts* of their late, and then present King; till it became so powerful an Evil, that tho' the Great Cardinal *de Richelieu* gave some check to it, by the Punishment of *Messieurs de Chappelles* and *Bouteville*, two young Gentlemen of great Valour, wherein he resisted the
Prayers

Prayers of their Friends, the Mediation of the greatest Persons of Quality, and his own passionate Desires; yet all his applications and thoughts upon this Subject, as he tells us in his *Politick Testament*, could never bring that to effect, which has since been accomplished by the great constancy and severity of the present King. Which *Monsieur le Vassor* an Historian of his own Nation, takes the liberty to say, is the best, and perhaps the onely good Action he hath done in a Reign of Fifty six years.

From *France*, This noxious Weed seems to have been Transplanted into *England*; and the endeavours Sir *Francis Bacon* used to root it out, in the case of one *Priest*, upon his being made the King's *Attorney*, was so well approved of by the Lords of the *Council* Assembled in the *Star-Chamber*, that they order'd the Charge he then deliver'd against *Duels* in general, to be Printed and Published with the *Decree* of the *Court* it self, which is since remitted into the Second Part of the *Resuscitatio*. And the last service I shall have occasion to mention before he left that Place, was what he performed in the same *Court*, and upon the like occasion, in Prosecuting one Mr. *Markham* for dispersing Letters of *Challenge* to the Lord *D'Arcy*. The case being reported by my Lord *Hobart*, to be in *December* 1616, directs me where to place the 91st. Letter relating thereunto, the date thereof being omitted in the Original.

As a Reward for these, and his other long Services of the Crown, the King upon the 7th. of *March* following committed to his Custody the great Seal of *England*, some little time after the Lord *Chancellor's* Voluntary Resignation, as is already declared. It was no new thing for Persons from less Abilities, and lower Places to rise into this: therefore the Author of the *Court*, &c. of King *James*, had as little reason to reflect upon that, as to insert some other false and foolish Stories, relating to this Gentleman. In one thing I shall agree with him; namely, that my Lord of *Buckingham* was very Instrumental in his Preferment, which Sir *Francis* acknowledges by his Letter of the same day, and the 92d. of this *Collection*. And surely, fewer Lines did never contain a greater sense of Gratitude; or expressed in a more becoming manner; tho' by the Original, they seem

to have been hastily written, and may serve to confirm what had been told to one that lived in his latter Times, that his first Copies required no great Labour, to render them competent for the nicest Judgements.

Upon the 14th day of the same Month of *March*, the King began his Journey into *Scotland*, which he had left just the same number of Years. But before his departure, he appointed Commissioners for managing the Treaty of Marriage between the Prince his Son, and the *Infanta* of Spain, whither Sir *John Digby* his Majesties Vice-Chamberlain was design'd to be sent upon his third Ambassage: For which, and his subsequent Endeavours therein, and his other Services both at home and abroad, he was created Lord *Digby*, and Earl of *Bristol*. I shall not from the occasion of the 95th and other Letters, enter into a Detail of this Affair, which lay so near to the King's Heart, and was so long pursued against the Opinion of many of his Council, and the general Inclinations of his People: The History thereof is well known, and it would take up too much of the Paper and Time that is yet left me. The Reader will therein observe the inconvenience my Lord Keeper did foresee by His Majesties Proceedings in that Treaty with a Council divided, and not united; the ill Fruits whereof he had seen in other cases, and this yielded no better in the end.

The Lord Keeper was scarce warm in his Seat, when the same Hand which conducted him thither, had like to have removed him from it: The occasion whereof was this. Upon the 16th of June 1617, Mr. Secretary *Winwood* writes to the Earl of *Buckingham*, then with the King in *Scotland*, that Sir *Edward Coke* coming to him upon business, began of his own accord to complain of his Unhappiness, to be so far remov'd from his Majesties Favour, to which he desired to be restored, and without which, he at length professed, he could no longer breath; that he, with much sorrow, acknowledged his former disrespectful Behaviour to his Lordship, in relation to the Treaty, some time before proposed, of a Marriage between his youngest Daughter *Frances*, and Sir *John Villiers* his Lordships elder Brother; desiring that the same might be renewed, with very advantageous Proposals upon his part.

But

But her Mother the Lady *Hatton*, (between whom and her Husband Sir *Edward Coke*, there was little agreement, and no love) being either averse to the Match altogether, or because it did not move from her, from whom the young Lady was to expect a considerable addition to her Fortune, employ'd her utmost endeavours to prevent it. As my Lord Keeper by his Letters to the King and the Earl, dated in the Month of July, used all the Reasons and Arguments his Wit could suggest, why it was not advisable to proceed in the Match, and why (which was the thing intended by it) Sir *Edward Coke* should not be readmitted into Favour. In the mean time her Mother removed her unto Sir *Edmund Withipoles* House near *Oatlands*, without the privy of Sir *Edward*: Who thereupon applys to *Buckingham*, and by his means beseeches his Majesty to direct a Warrant to some of his Privy Council to Summon before them his Wife and her Confederates, in order to recover his Daughter. But understanding in a few days where she was convey'd, he doth with his Sons and Servants, without any Warrant or Constable assisting, break open Sir *Edmund's* House, and brings his Daughter with him. My Lady *Hatton* complaining of this violence to the Privy Council, Sir *Edward Coke* affirmed that he could justify his Proceedings by Law: But Sir *Hen. Selwerton* the King's Attorney maintaining the contrary, he was order'd to prosecute the Father in the *Star-Chamber*, and to take upon him the present care of the Child. By whose Charitable Endeavours, the Act of Council dated the 18th of July 1617, which recites all this Matter at large, declares that Sir *Edward* and his Lady were so far reconciled, that their Daughter was deliver'd to them again, and the Information suspended till his Majesty's Pleasure were known.

But the Lady *Compton* and her Son Sir *John Villiers* pressing the Match, and the King and Earl of *Buckingham* approving thereof; the opposition the Lord Keeper, and as I conceive also, some others of the Privy Council had given to it, drew down no small displeasure upon them. For upon the King's return from *Scotland*, *Buckingham* writes to his Lordship, that his Majesty intended at his first sitting in Council, to reprimand so many of his Counsellors as were active in this Business, for their ill Behaviour in it; and that he would

name some of the particular Errors, tho' without accusing any particular Persons. And then adds, that notwithstanding the reason he himself had to be offended, yet seeing his Majesty so much displeas'd, from being a Party concern'd, he became an Advocate, &c. The *Business* alluded to, I presume, was this of the *Marriage*, and how sensible my Lord *Keeper* was of his Lordship's kindness and reconciliation, and service therein, can never be so lively represented by any other Hand as his own, in those few Lines his Lordship writ in answer thereunto upon the 17 of Sept. 1617. Numb. 104.

Upon the 29th of the same Month Sir *Ralph Winwood*, the King's faithful and able Servant saw this Marriage brought to a conclusion, (the Treaty whereof had created some animosities between the *Keeper* and himself) and soon after he concluded his own Life. Sir *Edward Coke* was thereupon admitted into the *Privy Council*, tho' that Favour, which did not last long, was not purchased at an easie rate. For besides 10000 paid in Money at two Payments, Sir *Edward* and his Son Sir *Robert*, did upon the Second of November, pursuant to Articles and Directions from the Lords of the Council, assure to Sir *John Villiers* a Rent-charge of 2000 Marks per Annum, during Sir *Edward's* Life, and of 900 l. a year, during the Lady *Hatton's*, if she survived her Husband. And after both their Deaths, the Mannor of *Stoke*, &c. in *Buckinghamshire* of the value of 900 l. per Annum, (being the moiety of the Lands intended to his two Daughters by the Lady *Hatton*) to Sir *John Villiers* and his Lady, and to the Heirs of her Body. And that the same were settled by good Conveyances carefully drawn, as upon the 27 Jan. 1617, was certified to his Majesty under the Hands of Sir *Ranulph Crewe*, Sir *Rob. Hicham*, and Sir *Henry Telverton* the King's Serjeants and Attorney. What share of her Mother's Bounty fell upon them, I cannot be so particular, but I conjecture it was considerable. But as the Differences between her and Sir *Edward Coke* grew as high as ever in a little time, and her Complaints to the King and Council more frequent and earnest, so a little more time discover'd the like between Sir *John Villiers*, Created Baron of *Stoke* and Vicount *Purbeck*, and his new Lady; whose familiar Conversation with Sir Robert

Robert Howard subjected her to private Reflection, and publick censure. The Settlement made upon this Marriage, with some subsequent Acts of *Sir Edward Coke*, occasion'd the Arguments and Resolutions of a remarkable Case between *Wigge* and *Villiers* adjudged by the Chief Justice *Rolle* in 1651; and seven years after by his Successor *Sir John Glynn*, which is reported by the Former, in the Second Part of his *Abridgement of the Common Law* in the Title of *Uses*.

This storm which was likely to have fallen so heavy upon my Lord *Keeper*, being thus diverted, he applies himself as one of the Lords of the *Council* to see the King's Orders touching the *Retrenchment* of his *Tables*, and other Charges of the *Houſhold* put in Execution, as appears in his *Letters* towards the latter end of the year 1617. But the Difficulties the *Council* met therein, through the Interest of the *Officers*, confirms the Observations made by Cardinal *Richelieu* in his *Politick Testament*; where in the Seventh Chapter of the First Book, he Discourses at large concerning the *Reformation* of the *Houſhold* of *Louis* the Thirteenth, as a thing much more fit to be done, than easie to be attempted with success.

I shall pass over the two succeeding years, with little Reflection upon any thing that happen'd therein, besides the two memorable *Causes* that were heard in the *Star-Chamber* in the year 1619. The one being a Prosecution against several *Dutch Merchants*, for exhausting the Treasure of the Kingdom by Exportation; and the other against the Lord *Treasurer* himself, for several Misdemeanors in Relation to his Office. The Affair of the *Merchants* is in some measure represented in the 116th, 120th, and 123d Letters, but those being much divided in point of time, I shall by the assistance of some Authentick Papers of the like nature, &c. compose a short and as true a Relation thereof as I am able.

Upon the 19th of *October* 1618, the *Attorney-General* applied himself to the Lord *Chancellor* for *Writs* of *Ne exeat Regnum*, against the *Dutch Merchants*, and afterwards exhibited an *Information* against about One hundred and eighty of them, for Transporting beyond the Seas vast Quantities of Gold

Gold and Silver in Money, Plate and Bullion, since the beginning of the Present Reign. The *Attorney* at first brought the Cause to a Hearing against Twenty of them, or thereabouts ; such as I suppose were the greatest Offenders, and of the greatest ability to make Restitution. Their *Fines* amounting in the whole to 150000 *l.* of which Mr. *Courteen*, and two others were condemn'd in 20000 *l.* a piece ; The advice which my Lord *Chancellor* gave the King not to grant away the Fines of such ten of them as Sir *Thomas Vavasor* the Discoverer should chuse, and which it seems he had in a manner promised, was a piece of Service worthy the Place he enjoy'd, and Trust he had with the King. Upon the 12th of *Octob.* 1619, *Courteen* was censured to pay 2000 *l.* more, and others in smaller Sums, for endeavouring to corrupt the King's Evidence. And the 19th of *November* following was appointed for the Trial of between Twenty and Thirty more ; but by reason of some neglect or mismanagement in the Prosecution, which gave the Court a great deal of trouble, and the Defendants some advantage, the Cause was not heard till the Seventh of *December*, tho' most of them were then found Guilty. Of the large *Fines* which were impos'd upon the Delinquents, I conceive they paid but a *third* part : For during the Prosecution, the *States* did by Letter desire the Marquis of *Buckingham* to endeavour to moderate the Heat thereof, &c. as Sir *Noel Caron* their Ambassador did the next day after *Sentence*, to mitigate the Severity. It was not long after this Proceeding, that Mr. *Courteen*, afterwards Sir *William*, whom I have lately mention'd, became one of the most considerable Merchants of his time ; and altho' he be here numbred among the *Dutch*, yet he was born in *England*, whither his Father fled for Refuge to avoid the Persecution raging in *Flanders* under the Duke of *Alva*. For in 1633, being some few years before his Death, his Real Estate in *England* was valued at 6500 *l.* per *Annum*, and his Personal at 128000 *l.* But by reason of his Negotiations to the *East-Indies*, undertaken in a great measure, as I remember, at the Instance of King *Charles* the First, the great Engagements he enter'd into thereupon ; and the great Losses he sustain'd in those Parts by the Nation from which he was descended: His Posterity enjoy'd the least

least Part of his Estate, and that attended with much trouble and vexation.

During the Prosecution of the Cause I have been speaking of, *Thomas Howard* Earl of *Suffolk* Lord *Treasurer* of *England* was brought upon the same Stage. But the Letters relating to this Scene being all wanting but two, I shall endeavour to supply that defect out of such Original Letters of *Sir Robert Naunton*, and *Sir George Calvert* the Secretaries of State, as have fallen under my Observation. The Lord *Treasurer* was Son of the last Duke of *Norfolk*, by *Margaret* his Second Wife, Daughter and Heir of the Lord *Audeley* of *Walden*. By Queen *Elizabeth* he was restored in Blood, and Created a Peer of the Realm, and being much confided in by his Kinsman the Lord *High Admiral*, he gave him the Command of some part of the Fleet upon several Expeditions. But in the next Reign he came nearer to the Court, and was made Lord *Chamberlain* of the Household; and in the 11th year thereof, promoted to be Lord *High Treasurer* of *England*; which Office he enjoy'd about four years. When being accused for several Misdemeanors relating thereunto, committed by himself, his Lady, and *Sir John Bingley*, an Agent therein, some Commissioners were appointed by the King for the management of his Treasure, and others to inspect their offences. And an Information being prefer'd against them all in the *Star-Chamber*, after several Days of Hearing, the Cause was finally determin'd, and the Parties sentenc'd upon the 13th of *November* in the year 1619. *Sir Edward Coke* led the way, by shewing from divers Presidents in former Ages, how other *Treasurers* had been punished for smaller Delicts and Miscarriages; that the King having suffer'd by means of the Present Treasurer and his Lady 50000 *l. vis & modis*, he condemn'd them to pay 100000 *l.* although he said, he might very well have made it Quadruple that Sum; to be Imprison'd in the *Tower* at their own Charges: And then Fined *Sir John Bingley* an under-Officer and ill Agent in the Treasury 5000 *l.* with Imprisonment in the *Fleet*. With this Sentence concur'd the Chancellor of the *Exchequer*, and Mr. Secretary *Naunton*, who in a Letter to my Lord of *Buckingham*, writes that he declared

declared the Proceedings in this Cause *Seriatim ab Ovo*, from the granting the Commission of *Enquiry*, and the Reasons thereof, by which it appear'd how Graciously his Majesty was ever inclined to Mercy, in remitting all Prosecution against the *Earl*, if it might have consisted with his Honour. But the Lord Chief Justice *Hobart*, who agreed that this Lord and his Lady were in a great measure guilty of the Charge, yet he differ'd much in the estimation of the Damage; and then conforming his Opinion to the Law of *England* declared by *Magna Charta*, That every Man ought to be Fined, *Salvo Contentamento*; which he interpreted to be the leaving of him sufficient maintenance to live according to his Degree, otherwise it were a *Ransome* rather than a *Fine*. He concluded his *Sentence* that this Lord and his Lady should pay 30000 *l.* to the King; and *Bingley* who had been the Base Broker between them and the Subject, and guilty of much corruption, 2000 *l.* onely; in respect that he was in Office under the Treasurer, and the Rewards he took as far as appear'd in Proof, were slight and unworthy things. With my Lord *Hobart* the rest of the Court agreed; so that Secretary *Naunton* (who appears to have been a Person of Moderation and great Candor) writes that he and the other two were traduced as merciless Men, yet since he never saw the Lord *Hobart's* Rule take Place in less offenders, he knew no reason why it should be extended to greater.

Soon after this Sentence the *Earl* and Countess of *Suffolk* were committed to the *Tower*, but as soon releas'd by the Mediation of the Marquis of *Buckingham*, and the Fine reduced to 7000 *l.* By all that I have observed, this Lord who was generally esteem'd a plain hearted and honest Gentleman, seems to have been the least Guilty of the Three that were so declared. While he was Lord Chamberlain he begun to erect that Magnificent Pile of *Audeley-End*, and before he had quite finished it, I conceive his Troubles came upon him; which gave him occasion to reflect upon the Truth of the Motto, he had caused to be inscribed upon the Wings of that Fabrick in large *Roman Capitals*: *Prudentis est, in Consilio Fortunam semper habere.*

At the same time that the Lord *Treasurer* was falling from his Place and Fortunes, the Lord *Keeper* was rising in Favour and Honours: For upon the 4th of *January* 16¹⁸₉ he was made Lord *Chancellor*, and the 11th of *July* following Created Lord *Verulam*, anciently the Seat of a noted *Roman* Colony, and still Famous, tho' in its last Ruins, for some Remains of that Nation. Upon the 22d of *January* in the year 16²⁰₂₀ his Lordship Celebrates his Birth-day at *York-House* near the *Strand*: In Honour of which *Benj. Johnson* Consecrates the following *Verses*, address'd to the *Genius* of the Place.

Hail Happy *Genius* of this ancient *Pile* !
How comes it all things so about the smile ?
The Fire, the Wine, the Men? and in the midst
Thou stand'st, as if some *Mystery* thou did'st.
Pardon, I read it in thy *Face* ; the *Day*
For whose Return, and many, all these Pray,
And so do I. This is the *Sixtieth* year
Since *Bacon*, and thy Lord was born, and here :
Son to the Grave wise *Keeper* of the *Seal*,
Fame and Foundation of the *English* Weal.
What then the Father was, that since is he,
Now with a Title more to the Degree ;
England's High *Chancellor*, the destin'd Heir,
In his soft Cradle, to his Father's Chair.
Whose even thred the *Fates* spin round and full
Out of their choicest and their whitest Wool.
'Tis a brave *Cause* of *Joy*, let it be known,
For 'twere a narrow Gladness kept thine own.
Give me a deep Crown'd *Bowle*, that I may sing,
In raising him, the Wisdom of my *King*.

In the midst of these Honours, Applauses, and multiplicity of Business, my Lord *Chancellor* did not forget his beloved *Philosophy*. Producing to the light in *Octob.* 1620, a Work which he had long formed in his thoughts, and Entituled, *Novum Organum*. This Book he Dedicates and presents to the *King*, &c. and the satisfaction his Majesty expresses upon that occasion, will be best seen in his Letter sent to his Lordship upon the 16th of the same Month. I shall not pre-

The Introduction.

tend to be able to give an account of his Lordship's Design, in his Great Work of the *Instauration* of the *Sciences*, or of this which was the second Part thereof; but shall refer the Reader to the Distribution of the several Parts of that Model, delineated at large by his own Hand, and prefix'd before this of his *Novum Organum*. It will be sufficient for me in this Place to borrow a few words from an Ingenious Gentleman, which are contain'd in the *Reflections* he hath lately made upon *Learning*.

“ My Lord *Bacon* saw clearer into the Defects of this Art
 “ of *Reasoning*, than most Men did, and being neither satisfied with the Vulgar *Logick*, nor with its Reformati-
 “ ons that were made; suitably to his vast and enterprizing
 “ *Genius*, attempted a *Logick* wholly new, the Plan of which
 “ is laid down in his *Novum Organum*. The way of *Syllogi-*
 “ *zing*, seem'd to him very fallacious, and too dependent
 “ upon *Words*, to be much rely'd on: His Search was after
 “ *Things*, and therefore he brought in a new way of argu-
 “ ing from *Induction*, and that grounded upon Observation
 “ and Experiments.

Before I conclude this year, I must from the 127th *Letter* take some notice of the Preparations that were made for a *Parliament*, and my Lord *Chancellor's* Services therein: As the Reader will observe from some Passages contain'd in the following Papers, the Opinion his Lordship was always of, that the Convening of that Assembly was the best expedient to promote the Welfare both of his Majesty and the Kingdom. And how averse soever the King had been from falling in with those measures; yet the necessity of the Times, the Desires of the People, more concern'd to see the Protestant *Religion* declining in *Germany*, the Elector *Palatine* not onely in Danger of losing his New Crown, but ancient Inheritance, than the King his Father in Law seem'd to be, forced his Majesty from his former Resolutions. He knew well in what manner he parted with his last *Parliament*, and that during this Interval so abounding in Projects and Monopolies many Grievances had sprung up: And therefore had reason to apprehend that the same spirit might revive, unless some care was taken to allay the most eager, and satisfy the more peaceable Tempers. But as the unhap-

The Introduction.

11

py Fate of the King of *Bohemia* and his Family, and the ill Success of this *Parliament* are very well known, so the causes of calling the same together, are so fully and finely set forth in a Draught of the *Proclamation*, Pen'd by my Lord Chancellor, Numb. 132. that if the Reader think it one of the longest, yet it may be he will think it the least tedious, he ever saw upon the like occasion. And the latter Par' which respects the *Choice of Parliament Men* is so well consider'd as to make it seasonable advice for all times. It is true, that the *Proclamation* the King publish'd upon the sixth of *November* was much shorter, tho much extracted out of this by his Majesty himself.

Upon the 30th of *January* the Session was open'd ; at which time my Lord Chancellor, newly Created Viscount *St. Alban*, appear'd in his greatest Honour and Splendor, and soon after in the greatest state of Humiliation ; which latter part being the subject that I am to consider of, I shall from the *Journals* of both *Houses*, and some other *Memoires* that I have seen, give as an impartial an account of this Reverse of Fortune and the causes thereof, as I have desired to do, of the brighter part of his Life.

About the 12 of *March* 16²⁰/₂₁ a *Committee* was appointed of some Members of the Lower House, to inspect the abuses of the *Courts of Justice*, whereof Sir *Edward Sackville* was named the Chair-man, but by reason of some Indisposition, Sir *Robert Phelps* was put into his Place. The first thing they fell upon was *Bribery and Corruption*, of which my Lord Chancellor was accused by one *Aubrey* and *Egerton*, who affirm'd they procured Money to be given to his Lordship, to promote their Causes depending before him. The truth thereof being corroborated by some Circumstances, a Report was made from the *Committee* to the House upon the 15th, yet with all tenderness and respect to his Lordship, in regard, as the Chair-man declared, *it touch'd the Honour of a Great Man, so endued with all Parts, both of Nature and Art, as that he would say no more of him, being not able to say enough*: For which reasons they desired that all expedition might be used. Upon the 17th Sir *Robert Phelps* made a second Report of other matters of the same nature charged upon the Chancellor. At which time Sir *Edward Sackville*, afterwards the Noble

The Introduction.

Earl of Dorset, Sir *Heneage Finch* Recorder of *London*, with some others, spake much in his Lordship's Defence. But at length it was resolv'd, that the Heads of the Accusation, should be drawn up by the *Chair-man*, Sir *Edw. Coke*, Mr. *Noy*, and Sir *Dudley Digges*, and related to the *Lords*, without prejudice, at a *Conference*; which was accordingly perform'd upon *Monday* the 19th of this same Month; and after the Report of the Conference by the Lord *Treasurer*, the Marquis of *Buckingham* presented a Letter written to their Lordships by the *Chancellor* upon the same day, which is enter'd at large upon their Journal.

Towards the latter end of the Month the *Session* was discontinued for some time, in hopes, as was thought, to soften the *Chancellor's* Fall. But upon their Reassembling, more Complaints being daily represented, his Lordship abandon'd all Defence, and upon the 22d of *April* 1621, he sent an Ingenious Confession and Submission to the *House of Peers*, which has been Printed in several Books, but in none I presume so correctly as in this, Copied also from the *Journal*. But their Lordships not thinking it particular or satisfactory enough, sent him a *Charge* consisting of several *Articles*, requiring a Particular Answer: which he return'd soon after; and having thereby confessed some, denied others, and answer'd or explain'd the rest, so as to take off the malignity of the offence, he concludes the whole in this manner.

" This *Declaration* I have made to your Lordships with a
 " sound and sincere mind, Humbly craving that if there
 " should be any mistake, your Lordships would impute it
 " to want of Memory, and not for any desire of mine to
 " obscure Truth, or palliate any thing. For I do again
 " confess, that in the Points charg'd upon me, though they
 " should be taken, as my self have declared them, is a great
 " deal of corruption and neglect: For which I am hearti-
 " ly and penitently sorry, and submit my self to the Judg-
 " ment, and to the Grace and Mercy of this Court.

" For Extenuation, I will use none concerning the Mat-
 " ters themselves: Onely, it may please your *Lordships* out
 " of your Nobleness, to cast your Eyes of Compassion
 " upon my Person and Estate. I was never noted for any

" Ava-

The Introduction.

liii

“ avaricious Man ; and the *Apostle* saith , that *Covetousness*
“ *is the root of all Evil*. I hope also, your Lordships do rather find me in a State of Grace ; for that in all these
“ Particulars, there are few or none , that are not almost
“ two years old ; whereas those that have a *Habit* of *Corruption*, do commonly wax worse : So that it hath pleased Almighty God, to prepare me by Precedent Degrees
“ of amendment to my present Penitency. And for my
“ Estate, it is so poor and mean, as my care is now chiefly to satisfy my Debts.

“ And so , fearing I have troubled your Lordships too long, I shall conclude with an humble *Suit* unto you ; that if your Lordships proceed to *Sentence*, your Sentence may not be heavy to my Ruin, but gracious , and mix'd with Mercy. And not onely so, but that you would be Noble Intercessors for me to his Majesty, likewise for his Grace and Favour.

*Your Lordships humble Servant ,
and Supplicant.*

Fran. St. Alban.

The Lords taking this for a full and ingenuous Confession, sent several of their Members , to see if the *Chancellor* would own it to be his Hand , and abide by it , which he did in these Words ; *My Lords*, It is my *Act*, my *Hand*, my *Heart* ; I beseech your Lordships to be merciful to a broken Reed. Upon which the *Peers* sent to the House of *Commons*, that they were ready to give Judgement, when they were willing to demand it. Which being done by their *Speaker* upon the third of *May* 1621, the Lord *Chief Justice* pronounced the following *Judgement* of the House of *Peers*, against the Lord *Chancellor* , then absent through Sickness.

That the Viscount St. *Albans*, Lord *Chancellor* of England, shall undergo Fine and Ransom of 40000 *l.* that he shall be
Impri-

Imprison'd in the *Tower*, during the King's Pleasure : That he shall for ever be incapable of any Office, Place or Employment, in the State or Common-wealth ; that he shall never sit in *Parliament* , or come within the *Verge* of the *Court*.

The *Prince*, and some others endeavour'd to have mitigated the severity of this Sentence, and many of the Lords, as it were excusing the rigor thereof, did after tell his Lordship, that they knew they left him in good Hands.

In the *Relation* which I have given of this affair, I have omitted a particular account of the *Articles* and *Answers*, in respect of the length ; and also, because, that during the Session of *Parliament* , which met in the beginning of this present year 1701, the whole Proceedings against the Lord *Chancellor* in the House of Lords, were Published from the Journal. The *Reasons* of the then *Search* , are obvious enough , but the *Copy* which was then taken, I presume was surreptitiously Printed, I am sure very incorrectly. The last *Article* therein was, *that his Lordship had given way to great Exactions in his Servants* : And he confessed, *it was a great neglect in him, that he looked to them no better*. This I the rather mention, because those Writers who excuse the Master, lay the greatest blame upon his Servants : And there's no doubt but that some of them were very guilty, and that their Lord had that Opinion of them, which it is reported, his Lordship in the time of these Troubles, signified in passing through a Room, where many of his Retinue rising up to salute him ; He said, *Sit you down, My Masters, your Rise hath been my Fall*. And we are told by *Rushworth*, in the First Volume of his *Historical Collections*,
 “ That he treasured up nothing for himself or Family, but
 “ was over indulgent to his *Servants*, and connived at their
 “ Takings, and their ways betray'd him to that Error :
 “ They were profuse and expensive, and had at their command whatever he was Master of. The *Gifts* taken, were
 “ for the most part for Interlocutory *Orders* ; his *Decrees*
 “ were generally made with so much *Equity* ; that though
 “ Gifts rendred him suspected for Injustice, yet never any
 “ *Decree* made by him was reversed as unjust, as it hath
 “ been observ'd by some, knowing in our *Laws*.

To this, I shall onely add, what he alledges by way of *excuse*, that great part of the Gifts, &c. were made as *Presents*, in cases where no *Suit* was depending, or a good while before they were begun, or after they were ended.

Upon this occasion, Who can forbear to observe and lament, the Weakness and Infirmary of *Humane Nature*? To see a Man, so far exalted above the Common-Level of his Fellow Creatures, to sink so far below it: To see a Man, who like *Seneca*, gave admirable Rules for the Conduct of Life, and condemning the avaricious pursuit after Riches; and what is unlike *Seneca*, contemning them in his own Person, and yet to be defiled thereby: To see a Man applauding Sir George *Villiers*, whilst very young, for despising Money, where it crossed Reason of *State* or *Virtue*, to take Money in his Mature Age, in Opposition to both, and to his own Destruction: Above all, to see a great Master of *Reason* and *Philosophy*, who had been a Credit and Ornament to the *Reformed Religion*, to abate the Lustre of his Example, by submitting to a Temptation, which many of the *Heathen Philosophers* had the Power to resist. But as his Lordship had the *misfortune* to be made a Memorial for the greatest and the wisest, *to take heed lest they fall*; so he hath the *good fortune*, (which he observes, attended three Famous *Writers*, fallen under the like Circumstances) to have the remembrance of this Calamity, look'd on by *Posterity* as a little *Picture* of *Night-Work*, remaining amongst the Fair, and excellent *Tables* of his *Acts* and *Works*.

Before I leave this Subject, I shall take some notice of a Letter the Marquis of *Buckingham* writ to Sir *Lionel Cranfield*, soon after the accusing of the *Chancellor*; Wherein he hop'd that God, who had given that *Lord* many other great Gifts, had also preserv'd him from being guilty of such Crimes: Yet he also hoped, the *House of Commons* would wave their Application to the *Lords*, and go their direct way to the *King*, who both could and would do them Justice. And I remember Dr. *Heylyn*, in his Life of Arch-Bishop *Laud*, and Mr. *Elsing*, in a Manuscript Discourse touching *Parliaments*, look'd upon the giving up of this great Minister to the Parliament, as a wrong Step made by the *King*, and a leading Card to others soon after. Yet the *Committee* seem'd to be
of

of another Opinion, when they told the Peers that they followed ancient *Presidents*, which shew'd that great Persons had been accused for the like in Parliament. But from what has been said, it may be observ'd how mistaken the Editor of *Morery's Dictionary* is, when he affirms under the Title of King *James*, and the Lord *Bacon*, that the Duke of *Buckingham* was the cause of the Lord *Chancellor's* Downfall; nor do I know any Historian that asserts the same.

When the Great *Seal* was taken from this Lord, it was put into *Commissioners* Hands for some time, till it fell very unexpectedly to the Custody of Dr. *Williams* the Dean of *Westminster*. Upon the 10th of *July* 1621, the King declares to his *Privy-Council*, the reasons of his Choice. *First*, Because of the *Deans* good Parts, wherewith Nature and Education had enabled him for publick Ministry, and the great Experience he had in *Chancery* Business under the Lord *Ellesmere*. *Secondly*, That being resolved to reform that Court, and not to have a Lawyer; the Dean being young and active, might take pains in the same: And being intended but for a *Probationer* for a time, he might at the end be rewarded with a better Bishoprick, than what he soon designed him: For which purpose, he resolved the Dean should hold the Place but a year and a half, unless it should prove very inconvenient to Business; and then after, so much longer time, positively to resign the same. His Majesty further declared, That he should be assisted in Matters *Legal*, by the two *Chief Justices*, Judge *Dodderidge* and *Hutton*; and that the placing of *Justices of Peace*, he would reserve to himself. These *Reasons* I have extracted from the *Act of Council*; but whether they were suggested by the Dean himself, or were the result of His Majesties own or others thoughts, I shall leave to the Reader to judge from what has been said, and from what Bishop *Hacket* declares in the *History* of the Keeper's Life. That to break the force of *Envy*, likely to attend that Action, he desired His Majesty to abridge the Grandeur of the Place, by providing that no Chancellor for the future, might continue above three years, and that he himself might be in the nature of a *Probationer* for one year and a half: That he might have a Learned Master of the *Rolls* to sit with him, and the assistance

ance of two Judges: But that all these Proposals were rejected and made ineffectual, and probably by some curious Persons, to see how the *Keeper* could sustain himself. But I shall not digress any further, the Lord *Keeper's* Life and Actions having been represented by his Friends and Enemies, whereby he does appear to have been the Founder of some Noble *Benefactions*, and Master of great *Learning* and *Abilities*, tho' like most other great Jewels, he was not without his Flaws.

After the Judgement given against the Lord Chancellor, and a short Imprisonment in the *Tower*, he retired from the *Light* of an Active Life, which he had been called to much against his *Genius*, to the *Shade* of Contemplation, which he had always loved. And here I shall consider him spending the remainder of his days in Privacy, which in the respect of the Works he Revised or Composed, may be esteemed Noble *Quinquennium*, procuring as much Honour to his Name, and more benefit to the World, than the most Celebrated Parts of his Life.

The First, Or at least the greatest Act of Kindness the King extended to him, was the releasing the Parliamentary *Fine*, and granting it to some Friends of his Lordships, which I conceive was done, in order to give him a little respite from his Creditors: To whom I have somewhere seen, that he paid 8000 *l.* after his Fall. And he relates in one of the following Letters, that he had spread all his Plate and Jewels upon poor Men. Upon the 30th of *July* 1624, he implores of his Majesty a total Remission of his Sentence, to the end that Blot of Ignominy might be removed from him, and from his Memory with Posterity. Which Request I suppose was granted, because I find he was Summon'd to Parliament, in the 1st. year of King *Charles*.

It may be presum'd that the pressing of his Creditors, and the ill payment of his Pensions upon his Disgrace, compell'd him to write to the King the 136th, and some other complaining Letters: But that he dyed in so low a Condition, as *Howel* has represented in one of his Letters, and from him Monsieur *Bayle* has inserted in his *Dictionary*, and other Learned Persons in their Works, is by no means to be

granted. For tho' his liberality and neglect of treasuring up Money, and his great expence in making of Experiments, seem to have exhausted the Gains of his Profession and Preferments; Yet Dr. *Rawley*, his Domestick Chaplain, and a Person much trusted by his Lordship, assures us, the King had given him out of the *Broad Seal*, and out of the *Alienation* Office to the value of 1800 *l. per Annum*, which with his Manor of *Gorhambury*, and other Lands adjoyning, amounting to a third part more, he retained to his Dying-day: And so I suppose he did the Profits of the Office of *Register* in the Star-Chamber, computed at 1600 *l. per Ann.* which was granted to him in Reversion, by Queen *Elizabeth*, tho' it fell not unto him, till towards the latter end of Her Successors Reign. In his last Will, which bears date the 19th of *December* 1625, (besides what was settled, and left to his Lady, answerable to Her Quality;) He gives several large Charities and Legacies to his Friends and Servants, and makes an Estimate of his Estate, by which Debts and Legacies might be satisfied: And appoints that out of the remainder, a *Lecture* should be founded in each *University* for *Natural Philosophy*, and the *Sciences*, which he hoped would at least amount to 200 *l.* a year a-piece: Wherein he directs his Trustees to have regard to the measures Sir *Henry Savile* had lately taken in his, and intreats his noble and constant Friend the Duke of *Buckingham*, to be an Overseer of his Will, and that his Executors would take some pains in the performance; that considering what he had been, his good *Mind* by their good *Care*, might effect that *Good Work*. Yet Monsieur *Sorbier* takes upon him to tell the World, as from Sir *William Boswel*, a Friend of my Lords, that his Lordship made this Will by way of *Gallantry*, and that he therein left Four hundred thousand *Livres* to an imaginary *College*; whereof he had design'd the *Plan* in his new *Atlantis*. But this was an Imagination more wild and groundless, than any that had grown up in *Sorbiers* Brain. It was well known, that my Lord *Bacon*, in the *Fable* of the New *Atlantis*, exhibited a Model, rather possible to be effected, than probable to be ever attempted by the greatest and most opulent Prince. It is as true his Lordships Executors declined to act, finding I suppose the Debts

Debts greater, and the Estate less than the Testator conceiv'd: So that Administration was granted to Mr. Meauty's, and another of his Creditors.

I shall conclude this Matter, with this short Reflection, That if my Lord St. Alban's occasions, made him sometime write to the King in a pressing and supplicating manner, yet the many Works he compos'd, and designed, during his Retirement, shew that his thoughts were still Free, Vigorous, and Noble. What those were in particular, and upon what account Written, the Reader will in some measure collect from the 141st. Letter, sent to the Bishop of Winchester. But considering the Place in which I write, I cannot so far forget the Profession he honoured, as to pass over so lightly the following Paper, containing an Offer to His Majesty, of a Digest to be made of the Laws of England. This was what he had propos'd before, in a Discourse touching the Recompilement and Amendment of the Laws, Printed in the Resuscitatio, and at the time when he was Attorney General, and soon after the time that he was made a Privy-Counsellor: To the end, that it might appear, that the more leisure he had from private Causes, the more time he was desirous to Dedicate to Publick Service. And now that he was come to enjoy a much greater leisure, he renew'd his Desires of endeavouring to give a Form to those Laws, worthy of their Matter and Substance: For which he highly commends them in, the Treatise I have been speaking of, Published amongst some Miscellanies in 1629, and since that time in several other Books. But this affair requiring great assistance, which he perceived was not like to be afforded, he laid it aside; Leaving Posterity occasion to lament, from these two excellent Tracts, the want of so great a Workman in so great and useful a Work. Yet if the multiplying of concurring and disagreeing Statute-Laws, were thought so great a Grievance by him then, What would he now say, if he were to live in this Age? In which we may well say, *Primò Vitijs, modò Legibus Laboramus*. Since the times of my Lord Bacon, there hath appeared, to the Honour of his Nation, his Religion, and Profession; a Gentleman, endued with a great Genius and Capacity, and adorn'd with all the

Qualities, that could render a *Magistrate*, below'd, esteem'd, and admir'd, the late Lord *Chief Justice Hale*; who in his excellent *Preface* to *Rolle's Abridgement*, hath left us his sense of this Matter, in these Words. "It were to be wish-
 "ed, that some compleat *Corpus Juris Communis*, were ex-
 "tracted out of the many Books of our *English Laws*, for
 "the publick use, and for contracting the Laws into a
 "narrow compass and method, at least for Ordinary
 "Study. But this is a Work of time, and requires many
 "Industrious, and Judicious Hands, and Heads to assist in
 "it.

Of the three following *Letters*, which were Written in *Latine*, upon his Lordships presenting to the *Universities* the new Edition of his *Advancement of Learning*; I need now say nothing, having already said so much of that Work. But of the onely *Letter* of this Collection in *French*, perhaps I may be thought to enlarge my self. It was written to the Marquis *D'Effiat*, Ambassador from the *French King*, and sent by the Cardinal *de Richelieu*, about the time he had entered upon his Publick Ministry, to conclude the *Treaty of Marriage* between the Prince of *Wales*, and the Princess *Henrietta Maria* of *France*. The Ambassador being introduced to the Lord *St. Albans*, at a time when weakness had confined him to his Bed, saluted him with this high Expression. *Your Lordship hath been to me like the Angels, of whom I have read and heard much, but never saw them.* To which he replied, *If the Charity of others compare me to an Angel, mine own Infirmities tell me I am a Man.* Besides, this Gentleman, *Dr. Rawley* declares, that several Persons of *Quality* crossed the Seas, on purpose to see, and converse with him. And I remember *Gassendus* informs us, That the Celebrated *Monsieur de Piereſc*, lamented his neglect of enjoying so great a Satisfaction.

From the time of the meeting of these two Noble Persons, they contracted an intimate Friendship, giving each other the Appellation of *Father* and *Son*; as will appear by the aforesaid Letter, sent by the Lord *St. Alban*, together with his Book of *Essays*, Reprinted in the year 1625, and enlarged both in *Number* and *Weight*. And surely it is a Work worthy the Additional Title he had then given it, of
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Counsels Civil and Moral: Which altho' they were the Result, and effect of his more easie Contemplations, yet if nothing more had been left of this *Author*, those had been sufficient of themselves, to declare his great Depth and Capacity, and insight into the Concerns of Humane Life: And which he observes, had been of all his *Works* the most Current, as coming home to Mens *Business* and *Bosomes*. The Marquis had before caused the *Advancement of Learning* to be Translated into his own Language: whether he did the same by these *Essays*, I know not, but that they were render'd into *French*, *Italian*, and by his Lordship, with some assistance of *Benj. Johnson*, &c. into *Latine*, is sufficiently evident.

The First *Edition* of these *Essays*, which was Published in the year 1597, I have never seen: In this last he Dedicated them to the Duke of *Buckingham*; by reason whereof the *Epistle* prefixed to the Edition in 1612, and Written to his Brother in Law, Sir *John Conestable*, is in a manner lost, which I shall endeavour to recover by giving it a place herein.

“ My last *Essays*, I dedicated to my dear Brother, Mr. *Anthony Bacon*, who is with God. Looking amongst my
 “ Papers this vacation, I found others of the same nature:
 “ Which if I my self, shall not suffer to be lost, it seemeth
 “ the World will not, by the often Printing of the former.
 “ Missing my Brother, I found you next; in respect of Bond
 “ of near *Alliance*, and of straight *Friendship* and Society,
 “ and particularly of Communication in *Studies*: Where-
 “ in I must acknowledge my self beholding to you. For
 “ as my *Business* found Rest in my *Contemplations*, so my
 “ *Contemplations* ever found Rest in your loving Conference
 “ and *Judgement*. So wishing you all good, I remain
 “ your, &c.

This being the last *Work* of my Lord St. *Albans*, which I shall have occasion to consider in these Discourses; I shall sum up all that I have to say upon that Subject, with a wish: That as Dr. *Rawley* Published many of his Lordships *Latine* Compositions in a large *Folio*, in the year 1638, and of his *English* about twenty years after, so Posterity might be gratified with seeing the rest that are much scatter'd,
 united.

united together, by reducing the whole into just and methodical Volumes: That the Authors memory might be vindicated from a pretended Edition of all his *Latine Works*, at *Frankfort* in 1665, tho' a very faulty one and unworthy of his Character. I am perswaded, that whoever shall seriously reflect upon his *Labours*, will perceive, that tho' many of his Profession, as well as others, seem to place themselves a little too near in the Centre of their thoughts: He will be found to have had the Benefit of the whole *Nation*, nay of all Mankind in his *view*, and in his *Desires*: Infomuch, that tho' he left no Children by his Lady, it has been observed, that he left all Men, especially Learned Men, his Heirs. "Designing his Endeavours, according to Dr. *Heylin*, to the perfecting of the "*Works of Nature*, or rather improving *Nature* to the best "*advantages of Life*, and the common Benefit of Mankind. "*Pity it was*, *said he*, that he had not been entertained "*with some liberal Salary*, abstracted from all affairs both "*of Court and Judicature*, and furnished with sufficiency "*both of means and helps*, for the going on in his Design; "*which had it been done*, he might have given us such a "*Body of Natural Philosophy*, and made it so subservient to "*the Publick Good*, that neither *Aristotle*, nor *Theophrastus* "*amongst the Ancients*, nor *Paracelsus*, or the rest of our "*latter Chymists* would have been considerable.

Having hitherto taken some Prospect of this great Man in his Life and Actions, his Studies and Contemplations; I shall, from the last *Letter* in this *Collection*, and the last he ever wrote, give some account of the manner, the place, and the time of his Death. His Lordship had been long of an infirm Constitution, and was about that time thought to be recovering from a dangerous and tedious Sickness. But repairing casually to the Earl of *Arundel's* House at *High-gate*, he fell ill of a gentle *Fever*, accidentally accompanied with a great Cold, and after about a Weeks continuance there, he died by a *Defluxion of Rheume*, which fell upon his Breast, early in the Morning of *Easter-Day*, being the 9th. of *April*, in the year 1626, Aged *Sixty five Years two Months*, and about *fourteen Days*. And was buried according to his desire, expressed in his last *Will*, in *St. Michaels*

The Introduction.

Ixiii

chael's Church at St. Albans, because the Body of his Mother was there interred; and because it was the onely Parish Church then remaining within the Precincts of Old Verulam: Where Sir Thomas Meauty's, formerly his Secretary, and afterwards Clerk of the Privy-Council, out of Gratitude and Honour to his Memory, erected a Monument of White Marble, representing his full Portraiture, sitting in a Contemplative Posture, with the following Epitaph, composed by that rare wit and accomplish'd Gentleman Sir Henry Wor-
ton.

Franciscus Bacon, Baro de Verulam,
S. Albani Vicecomes:

*Sen,
Notioribus Titulis
Scientiarum Lumen, Facundiae Lex,
Sic Sedebat.*

*Qui postquam Omnia Naturalis Sapientiae,
Et Civilis Arcana evolvisset,
Naturae Decretum explevit:*

*Composita Solvantur,
Anno Dom. MDCXXVI.
Ætatis LXVI.*

*Tanti viri Memoria, Thomas Meautus, Superstitis Cultor,
Defuncti Admirator.*

H. P.

That is,

*Francis Bacon, Baron of Verulam, and Viscount St. Alban.
Or in more Conspicuous Titles.
The Light of the Sciences, the Law of Eloquence,
reposed himself on this manner.*

*Who, after he had unveil'd all the Mysteries of Natu-
ral and Civil Wisdom, obey'd the Decree of Na-
ture,*

The Introduction.

ture, which dissolv'd the Union of his Soul
and Body, in the Year of our Lord 1626,
and in the 66th year of his Age.

To the *Memory* of so great a Man, *Thomas Meautys*, a
Reverencer of him whilst alive, and an admirer
now dead, hath erected this *Monument*.

The University of *Cambridge* condol'd the loss of such a
Son, as many other Gentlemen did the loss of such a Fa-
ther in Learning: But the *Copies of Verses* which were made
upon that occasion, being sent to Dr. *Rawley*, he suppres-
sed many of them from the Light; not because they did
not very well deserve to be seen, but because, as he saith
himself, his Deceased Lord was wont to be pleased not with
Number, but with *Weight*.

It may be now desired, that some just Description and
Character should be given of this eminent Man; but the
Image of his Person, which was once so obvious to every
eye, is now so obscure to mine, the Representation thereof
in *Prints* being far from the Best, and the onely *Picture* in
Colours I remember to have seen, being much inferiour
to them, I shall borrow what assistance I can from the Pens
of others. He was of the midling Stature of Men, and of
Presence grave and comely: " Having, as the Ingenious
" and Learned Gentleman Mr. *Evelyn* observes in his late
" Discourse of *Medals*, a spacious *Forehead* and piercing *Eye*,
" always (as he had been told by one that knew him well)
" looking upwards, as a *Soul* in sublime *Contemplation*, and
" as the Person who by standing up against *Dogmatists*, was
" to emancipate the long and miserable Captivated *Philoso-*
" *phia*, which hath ever since made such *Conquests* in the
" Territories of *Nature*.

But how defective soever I am in this *Portrait* of his *Per-*
son, it would be vastly more apparent, should I attempt to
describe his *Mind*; that *Forma æterna*, which can onely be
seen, in the Lineaments his own Head and Hand has
drawn: For since he was a Man of a most sublime and
exalted *Genius*, comparable to any these latter Ages of the
World

World have known, who besides a quick and lively *Apprehension*, a strong and faithful *Memory*, was endued with a clear and solid *Judgement*, and an *Elocution* which was the Glory of his Times, and almost inimitable: It would be a presumption in me, so far remov'd from his Abilities, to think my self able to conceive a full *Idea* of his worth, much more to express it to the *World*. I might instead thereof, after the manner of some, rather weary than satisfy the Reader, should I bring to his view, those many *Eulogys* which have been given his Lordship by Domestick and Foreign Writers, and which my self have seen. But to what hath been already done of that nature, I hope no Person will be displeased to see what follows, under the Pens of two Persons, who remembred him living, and two others, I presume, well acquainted with his Works.

“ There happened in my Time, saith the Learned Poet *Ben. Johnson*, in his *Discoveries*, one Noble Speaker, the Lord *Verulam*, who was full of Gravity in his speaking. His Language, where he could pass by a Jest, was nobly censorious. No Man ever spake more neatly, more prestly, more weightily, or suffer'd less emptiness, less idleness in what he utter'd. No member of his *Speech*, but consisted of his own *Graces*. His Hearers could not cough or look aside without loss: He commanded where he spoke, and had his Judges angry and pleased at his Devotion. No Man had their affections more in his Power; the fear of every Man that heard him, was, lest he should make an end. And afterwards, Lord *Egerton* the Chancellor, a great and grave Orator, &c. But his learned and able, tho' unfortunate Successor the Lord *Bacon*, is he who hath filled up all Members, and perform'd that in our Tongue, which may be compar'd or prefer'd, either to Insolent *Greece*, or Haughty *Rome*. In short, within his view, and about his time, were all the *Wits* born, that could Honour a Language, or could help Study. Now things daily fall; *Wits* grow downward, and *Eloquence* goes backward: So that he may be named, and stand as the Mark or *ἀνκυρα* of our Language.

“ I have ever observ'd it to have been the Office of a wise Patriot, among the Greatest Affairs of State, to

“ take care of the *Commonwealth* of Learning. For Schools
 “ they are the *Seminaries* of State ; and nothing is worthier
 “ the Study of a Statesman, than that Part of the *Republick*,
 “ which we call the *Advancement* of Letters. Witness the
 “ Care of *Julius Caesar*, who in the Heat of the Civil War,
 “ writ his Books of *Analogy*, and Dedicated them to *Tully*.
 “ This made the late Lord *St. Alban* Entitle his Work *No-*
 “ *vum Organum*: Which though, by the most of Superficial
 “ Men, who cannot get beyond the Title of *Nominals*, it
 “ is not penetrated, nor understood ; it really openeth all
 “ Defects of Learning whatsoever, and is a Book

Hor. de
 Art. Poet.

Qui Longum noto Scriptori prorogat ævum.

“ My conceit of his *Person*, was never increa-
 “ sed towards him, by his *Place* or *Honours*. But I have
 “ and do reverence him for the *Greatness*, that was onely
 “ proper to himself ; in that he seem'd to me ever by his *Works*,
 “ one of the greatest Men, and most worthy of admiration,
 “ that had been in many Ages. In his adversity I ever pray'd
 “ that God would give him Strength, for Greatness he could
 “ not want. Neither could I condole in a word or syllable
 “ for him ; as knowing no *accident* could do harm to *Virtue*,
 “ but rather help to make it *Manifest*.

After, Mr. *Osborn*, in the *second* Part of his *Advice* to his
 Son, hath recommended an Universal Inspection into the
Sciences, as most becoming a *Gentleman*, unfix'd in a settled
Calling. He goes on, “ And my Memory neither doth, nor
 “ I believe possible, ever can direct me towards an *Example*
 “ more splendid in this kind, than the Lord *Bacon*, Vicount
 “ *St. Albans*. Who in all Companies did appear a good *Pro-*
 “ *ficient*, if not a *Master* in those *Arts* entertain'd for the Sub-
 “ ject of every ones *Discourse*. So as I dare maintain, without
 “ the least affectation of *Flattery* or *Hyperbole*, that his most
 “ casual *Talk* deserveth to be written, as I have been told
 “ his first or foulest *Copies* required no great labour to ren-
 “ der them competent for the nicest Judgements. A high
 “ Perfection, attainable onely by *Use*, and treating with
 “ every Man in his respective Profession, and what he was
 “ most

“ most vers’d in. So as I have heard him entertain a Country Lord in the proper *Terms*, relating to *Hawks* and *Dogs* ;
 “ and at another time out-cant a *London-Chyrurgeon*. Thus he
 “ did not onely learn himself, but gratifie such as taught
 “ him ; who looked upon their Callings as Honoured
 “ through his notice. Nor did an easie falling into *Arguments* (not unjustly taken for a *Blemish* in the most) appear
 “ less than an *Ornament* in him ; the ears of the Hearers receiving more gratification than trouble ; and so no less
 “ sorry, when he came to conclude, than displeas’d with
 “ any that did interrupt him. Now this *general knowledge* he
 “ had in all things, Husbanded by his *Wit*, and Dignified
 “ with so *Majestical a carriage* he was known to own, struck
 “ such an awful Reverence in those he question’d, that they
 “ durst not conceal the most intrinsick part of their *Mysteries*,
 “ for fear of appearing ignorant or fauzy. All which rendered him no less necessary than admirable, at the *Council-Table* ; where in reference to *Impositions*, *Monopolies*, &c.
 “ the meanest Manufactures were an usual Argument. And
 “ as I have heard, did in this Baffle the Earl of *Middlesex*,
 “ that was born and bred a *Citizen*, &c. yet without any
 “ great, if at all, interrupting his other *Studies*, as is not
 “ hard to be imagin’d of a quick *Apprehension*, in which he
 “ was *Admirable*.

The two succeeding *Characters*, I am to mention, were described upon the same occasion. The One by the present Bishop of *Rocheſter*, in his Excellent *History* of the *Royal Society* at *London*, Instituted for the promoting of *Natural* and *Experimental Knowledge*, upon the Plan and *Rules* laid down by my Lord *Bacon*. The other in a *Poem* of the Admirable Mr. *Cowley*’s to the said *Society*, whereof I have onely transcribed the Fifth *Stanza* ; tho’ there is much more said by way of Encomium on this Lord.

—“ The third sort of *New Philosophers*, have been those who
 “ have not onely disagreed from the *Ancients*, but have also
 “ propos’d to themselves the right course of slow and sure
 “ *Experimenting* ; and have prosecuted it as far as the shortness of their own Lives, or the Multiplicity of their Affairs, or the narrowness of their Fortunes, have given
 “ them

“ them leave. Such as these we are to expect to be but few.
 “ For they must deſtroy themſelves of many vain Conceptions,
 “ and overcome a thouſand falſe Images, which lie like
 “ Monſters in their way, before they can get as far as this.
 “ And of theſe I ſhall only mention one *Great Man*, who
 “ had the true Imagination of the whole extent of this *Enterprize*,
 “ as it is now ſet on foot, and that is the Lord *Bacon*. In whoſe
 “ Books there are every where ſcatter’d, the beſt *Arguments* that
 “ can be produc’d for the Defence of *Experimental Philoſophy*;
 “ and the beſt *directions* that are needful to promote it. All which
 “ he has already adorn’d with ſo much art, that if my Deſires could
 “ have prevail’d with ſome excellent Friends of mine, who engaged
 “ me to this Work, there ſhould have been no other Preface to the
 “ *History of the Royal Society*, but ſome of his *Writings*. But, methinks,
 “ in this one Man, I do at once find enough occaſion, to admire the
 “ ſtrength of Humane Wit, and to bewail the weakneſs of a mortal
 “ condition. For, is it not wonderful, that he, who had run through
 “ all the Degrees of that *Profession*, which uſually takes up Mens
 “ whole time; who had *Studied* and *Practiſed*, and *Governed* the
 “ *Common Law*: Who had always lived in the Crowd, and born the
 “ greateſt Burden of *Civil Buſineſs*; ſhould yet find leiſure enough
 “ for theſe retired Studies, to excell all thoſe Men who ſeparate
 “ themſelves for this very purpoſe? He was a *Man* of ſtrong, clear,
 “ and Powerful Imaginations: His *Genius* was ſearching, and
 “ inimitable: And of this I need give no other Proof than his
 “ *Style* it ſelf; which as for the moſt part, it deſcribes Mens
 “ *Minds*, as *Pictures* do their *Bodies*; ſo it did *His*, above all Men
 “ living. The *Course* of it vigorous and *Majeſtical*: The *Wit*
 “ bold and familiar: The *Compariſons* fetch’d out of the way,
 “ and yet the moſt eaſie: In all expreſſing a *Soul* equally ſkill’d
 “ in *Men* and *Nature*.

To the ROYAL SOCIETY.

S T A N Z A V.

From these, and all long Errors of the Way,
 In which our wandering Predecessors went,
 And like th' old *Hebrews*, many years did stray
 In Desarts but of small extent,
BACON, like *Moses*, led us forth at last,
 The Barren Wilderネス he past,
 Did on the very Border stand
 Of the blest promis'd Land,
 And from the *Mountains* Top of his exalted *Wit*,
 Saw it himself, and shew'd us it.
 But *Life* did never to one Man allow.
 Time to *Discover* Worlds, and *Conquer* too;
 Nor can so short a Line sufficient be,
 To fathom the vast Depths of *Nature's* Sea.
 The *Work* he did, we ought t' admire,
 And were unjust, if we should more require
 From his few years, divided 'twixt th' excess
 Of Low *Affliction*, and High *Happiness*:
 For who on Things remote can fix his Sight,
 That's always in a Triumph, or a Fight?

I have now made so full a Point, and I believe so well
 Entertain'd the Reader with these Relations of others, that
 I cannot easily prevail with my self to continue my own. But
 considering what hath been said of this Noble Lord in the
 middle and latter part of his Life, may raise in some a De-
 sire to look a little into the Former, I shall rather act a pre-
 posterous Part, than refuse to gratifie so reasonable an In-
 clination.

He was Born upon the 22d of *January*, in the year 1560,
 at *York-House* near the *Strand*, then the Residence of his Fa-
 ther, Sir *Nicholas Bacon*, Lord Keeper of the Great *Seal*;
 whom the Renown'd Chief Justice *Popham* affirm'd to have
 been

been the greatest and ablest Minister of his Time. His Mother was one of the Six Daughters of Sir *Anthony Cook*, Preceptor to King *Edward* the Sixth, and all Celebrated among their other Qualifications, for an exact knowledge of the *Greek* and *Roman* Languages. Of this second Marriage the Lord Keeper had onely two Sons; *Francis* the youngest of them was sent very early to *Trinity-College* in *Cambridge*, where he soon passed through the Circle of the *Arts*. From the University he attended Sir *Amias Paulet*, the Queen's Ambassador into *France*, by whom he was dispatched to her Majesty, which Part he discharg'd with great Approbation. But his Father dying in the year 1579, before he had made that Provision for this Son he intended, he came again into *England*, and fix'd himself at *Greys-Inn*, where he spent a great Part of his Life: Retiring sometimes to his Pleasant Seat at *Gorbamby* near *St. Albans*, which descended to him, by the Death of his dearest Brother Mr. *Anthony Bacon*.

But his Abilities surmounted all the Difficulties of his first Fortunes, rendering him so esteem'd, that he was whilst very young brought into the *Parliament-House*; in those Assemblies he soon became eminent, and so continued during the Reign of Queen *Elizabeth*. Which brings me to the Time where this Discourse begins, I shall there conclude the same. Perswading my self, that if any Person shall think fit to do the like Honour to the *English*, that *Monsieur Per-rault* hath done to the *French*, of the Century so lately pass'd; my Lord *Bacon's* Virtues and good Qualities will be esteem'd so much superior to his Defects, that none will deny him, an early Place among the most *Illustrious Men* of that Age.

L E T-

7

LETTERS

AND

MEMOIRES,

OF

Sir FRANCIS BACON.



LETTERS

A N D

Memoires, &c.

I.

To Mr. Fowlys. (a)

S I R,

THE Occasion awaketh in me the remembrance of the constant and mutual good Offices, which passed between my Good Brother and your self; whereunto (as you know) I was not altogether a Stranger: Tho' the time, and design, (as between Brethren) made me more reserved. But well do I bear in mind the great Opinion which my Brother (whose Judgment I much reverence) would often

(a) Upon the death of Queen *Elizabeth*, Mr. *Fowlys* was sent out of *Scotland* with Letters to divers of the Lords, which were of her Majesty's *Privy Council*; soon after whose arrival the Lord *Treasurer*, the Lord *High Admiral*, and Sir *Robert Cecil* Principal *Secretary of State*, return'd a large Letter of Thanks, and of Advice to the King concerning the present posture of Affairs. He was afterwards Created a Baronet by the Name of *Sir David Fowlys of Ingleby* in the North-Riding of *Yorkshire*, where he had Seated himself, and where his Posterity now remaineth.

B

express

Letters and Memoires

express to me, of your Extraordinary Sufficiency, Dexterity, and Temper, which he had found in you, in the Business and Service of the *King*, our *Sovereign Lord* (b). This latter bred in me an Election, as the former gave an Inducement for me, to address myself to you; and to make this signification, of my desire, towards a Mutual Entertainment of good Affection, and Correspondence, between us; Hoping, that both some good effect may result of it, towards the *King's* Service; And that for our Particulars, though Occasion give you the precedence of furthering my being known, by good note, unto the King; so no long time will intercede, before I, on my part, shall have some means given, to requite your favours, and to verifie your Commendation. And so with my Loving Commendations, good *Mr. Fowllys*, I leave you to *God's* Goodness. From *Grays-Inn*, the 27th of *March* 1603.

(b) *Mr. Anthony Bacon*, the Elder and onely Brother to *Sir Francis Bacon* of the whole Blood, was said to have been equal to him in height of Wit, tho' inferior to him in the Endowments of Learning and Knowledge; and by *Sir Henry Wotton*, that he was a Gentleman of impotent Feet, but of a nimble head, through whose Hands ran all the Intelligences with *Scotland*.

II.

To *Mr. Fowllys*.

Mr. Fowllys,

I Did write unto you yesterday, by *Mr. Lake*, (who was dispatched hence from their *Lordships*) a Letter of reviver of those Sparks of Former Acquaintance between us, in my Brother's time: And now, upon the same confidence, finding so fit a Messenger, I would not fail to salute you; hoping it will fall out so

so happily, as that you shall be one of the King's Servants, which his *Majesty* will first employ here with us; where, I hope, to have some means, not to be barren in Friendship towards you.

We all thirst after the King's coming, accounting all this but as the dawning of the day, before the rising of the Sun, till we have his presence. And though now his *Majesty* must be *Janus Bifrons*, to have a face to *Scotland*, as well as to *England*, yet, *Quod nunc in-stat agendum*: The expectation is here, that he will come in *State*, and not in *Strength* (a). So for this time I commend you to God's Goodness. 28. March 1603.

(a) This is what my Lord Bacon, in his *History* of the Reign of King Henry the Seventh, observes to have been done by that wise Prince in order to quiet the Fears of the People, and disperse the conceit of his coming in by *Conquest*.

III.

To Sir Thomas Chaloner. (a)

S I R,

FOR our Money-matters, I am assured, you received no insatisfaction; for you know my Mind, and you know my Means; which now, the openness

(a) Sir Thomas Chaloner, was Son to Sir Tho. Chaloner who behaved himself with great Valour under the Commands of the Emperour Charles the Fifth, and the Duke of Somerset, and equal prudence in the Courts of the Emperour and King of Spain; whither he was sent Ambassador in the beginning of the Reign of Queen Elizabeth. He was, like unto his Father, a Gentleman of great Parts and Abilities, to whose Care King James committed the Tuition of his Son Prince Henry, upon his coming into England. Sir Thomas having a few years before, made the first discovery of Alum-Mines in this Nation, at or near Gisborough in York-shire; where some of his Name and Family doth still continue. He survived his Royal Pupil just three years, dying in November 1615.

Letters and Memoires

of the time, caused by this blessed consent, and peace, will encrease: and so our agreement, according to your time, be observed. For the present, according to the *Roman Adage*; (that *one Cluster of Grapes ripeneth best besides another*;) I know, you hold me not unworthy, whose mutual Friendship you should cherish: And I, for my part, conceive good hope, that you are likely to become an acceptable Servant to the King our Master. Not so much, for any way made heretofore, (which, in my Judgment, will make no great Difference) as for the stuff and sufficiency, which I know to be in you; and whereof, I know, his Majesty may reap great Service. And therefore, my general request is, that according to that Industrious vivacity, which you use towards your Friends, you will further his Majesty's good conceit and inclination towards me; to whom words cannot make me known, neither mine own, nor others; but time will, to no disadvantage of any, that shall forerun his Majesty's Experience, by your Testimony and Commendation. And though Occasion give you the precedence of doing me this special good Office; yet I hope, no long time will intercede, before I shall have some means, to requite your favour, and acquit your report. More particularly, having thought good to make Oblation of my most humble Service to his Majesty, by a few Lines, I desire your loving care and help, by your self, or such means as I refer to your discretion, to deliver and present the same to his Majesty's hands. Of which Letter, I send you a Copy, that you may know what you carry; and may take of *Mr. Mathew*, the Letter it self; if you be pleased to undertake the delivery. Lastly, I do commend to your self, and such your Courtesies, as occasion may require, this Gentleman, *Mr. Mathew*, Eldest

deft Son to my *Lord Bishop of Duresme*, and my very good Friend, assuring you that any Courtesie, you shall use towards him, you shall use to a very worthy young Gentleman, and one, I know, whose Acquaintance, you will much esteem. And so I ever continue.

IV.

To the KING.

It may please your most Excellent Majesty,

IT is observed upon a place in the *Canticles*, by some ;
** Ego sum flos Campi, & Lilium Convallium*, that à *dispari*, it is not said, *Ego sum flos Horti, & Lilium Montium* ; because the *Majesty* of that *Person* is not enclosed for a Few, nor appropriate to the Great. And yet, notwithstanding this Royal Virtue of Access, which Nature and Judgment hath planted in your Majesty's Mind, as the Portal of all the rest, could not of it self, (my Imperfections considered) have animated me to have made Oblation of my self, immediately to your Majesty, had it not been joyned with an habit of the like liberty, which I enjoyed with my late dear *Sovereign Mistress* ; a Princess happy in all things else, but most happy in such a *Successor*. And yet further, and more nearly, I was not a little encouraged, not only upon a supposal, that unto your Majesty's Sacred Ear, (open to the Air of all Virtues) there might come some small breath of the good memory of my *Father*, so long a *Principal Councillor* in your Kingdom (a) ; but also, by the particular knowledge, of the infinite devotion, and

** I am the Flower of the Field, and the Lilly of the Valeys, that it is not said, I am the Flower of the Garden, and the Lilly of the Mount-ains.*

(a) Sir Nicholas Bacon Lord Keeper of the Great Seal from the first to the 21. year of Queen Elizabeth.

incessant endeavours, (beyond the strength of his Body, and the nature of the times) which appeared in my *Good Brother*, towards your Majesty's Service; and were on your Majesty's part, through your singular benignity, by many, most gracious and lively significations and favours accepted and acknowledged, beyond the Merit of any thing he could effect. Which endeavours and duties, for the most part, were common to my self with him, though by design, as (between Brethren) dissembled. And therefore, *most high*, and *mighty King*, my most dear and dread *Sovereign Lord*; since now, the *Corner-stone* is laid of the *Mightiest Monarchy* in *Europe*; and that God above, who hath ever a hand in bridling the Flouds and Motions of the Seas, hath by the miraculous and universal consent, (the more strange, because it proceedeth from such diversity of Causes in your coming in); given a Sign and Token of great happiness in the Continuance of your Reign; I think, there is no Subject of your Majesty's, which loveth this Island, and is not hollow or unworthy, whose heart is not set on fire, not only to bring you *Peace offerings*, to make you propitious; but to sacrifice himself a *Burnt offering* or *Holocaust* to your Majesty's Service: Amongst which number no Man's fire shall be more pure and fervent than mine: But how far forth it shall blaze out, that resteth in your Majesty's Imployment. So thirsting after the happiness of Kissing your Royal Hand, I continue ever.

V.

To Mr. Davis. (a)

Mr. Davis,

THough you went on the sudden, yet you could not go, before you had spoken with your self, to the purpose, which I will now write : And therefore, I know, it shall be altogether needless, save that I meant to shew you, that I was not asleep. Briefly, I commend my self to your Love, and the well using my Name ; as well in repressing and answering for me, if there be any biting or nibbling at it in that place ; as by imprinting a good conceit and opinion of me, chiefly in the *King*, (of whose favour I make my self comfortable assurance) as otherwise in that Court : And not only so, but generally to perform to me, all the good Offices which the vivacity of your Wit can suggest to your mind, to be performed to one, with whose Affection you have so great sympathy ; and in whose fortune you have so great Interest. So desiring you to be good to concealed Poets, I continue.

*from Francis Bacon
Gives him this 25th March 1603*

(a) Mr. Davis having made his way unto the knowledge of King James, by a Poem he Dedicated unto the late Queen, Entituled, *Nosce teipsum*, was very favourably receiv'd by the King ; and not long after made his Attorney General in Ireland, and Serjeant at Law. And in the next Reign, was nominated to be Chief Justice of the Kings-Bench in England upon the displacing of Sir Randal Crewe ; but died suddenly on the 27th of December 1626. He was very conversant with the Wits of his time ; some of his Writings declare his Excellency in that kind, as others do his Abilities in his own Profession.

VI.

VI.

To Mr. Robert Kempe.

Mr. Kempe,

THIS Alteration is so great, as you might justly conceive, some coldness of my Affection towards you, if you should hear nothing from me, I living in this place. It is in vain to tell you with what wonderful still and calm this Wheel is turned round; which, whether it be a *remnant* of her *felicity*, that is gone; or a *fruit* of his *Reputation* that is coming, I will not determine. For I cannot but divide my self between her *Memory* and his *Name*: Yet we account it but a fair Morn, before Sun-rising, before his Majesty's Presence; though, for my part, I see not, whence any *Weather* should arise. The *Papists* are contained with fear enough, and hope too much. The *French* is thought to turn his Practice upon procuring some disturbance in *Scotland*, where *Crowns* may do Wonders: But this Day is so welcome to the Nation, and the time so short, as I do not fear the effect. My Lord of *Southampton* expecteth release by the next Dispatch, and is already much visited, and much well-wished. There is continual Posting by Men of Good Quality towards the *King*. The rather, I think, because this Spring-time, it is but a kind of Sport. It is hoped, that as the *State* here hath performed the part of good *Attorneys* to deliver the King quiet Possession of his *Kingdoms*; so the King will redeliver them quiet Possession of their *Places*; rather filling Places void, then removing Men placed. So, &c.

VII.

VII.

To the Earl of Northumberland. (a)

It may please your Lordship,

I Do hold it a thing formal and necessary for the King, to forerun his coming, (be it never so speedy) with some Gracious Declaration, for the cherishing, entertaining, and preparing of Men's Affections (b). For which purpose I have conceived a Draught, it being a thing familiar in my *Mistress* her times, to have my *Pen* used in Publick Writings of *Satisfaction*. The use of this may be in two sorts: *First*, properly, if your Lordship think it convenient,

(a) *Henry Percy* the Ninth Earl of Northumberland of that ancient Name, was endued with great Learning himself, and a great Patron of others that were so, especially Mathematicians. And as he possessed the High Spirit, become almost incident to his Family; so no Man espoused the Title of *King James* to the *English* Throne with a greater zeal than himself; declaring that he would remove all Impediments by his Sword. Yet the King, (perhaps fearing that one who thought he could confer Crowns, might attempt to resume them) caused this Great Man to be so effectually prosecuted in the *Star-Chamber* in the year 1606, upon a Supposition of his being Privy to the *Powder-Plot*, or at least of concealing his Cousin Mr. *Thomas Percy* one of the Conspirators therein: That he was Fined 30000 l. and condemned to perpetual Imprisonment. But the Lord *Hay*, afterwards Created *Vicount Doncaster* and Earl of *Carlisle*, Marrying in 1617 his youngest Daughter the Lady *Lucy Percy*, a Lady of the most celebrated Wit and Beauty of any in her times: His Release from the *Tower* was obtain'd about the year 1621. Though it is said the Earl was with great difficulty prevail'd to accept of this Favour, because procured by a Man, he disdained to own to be so near a Relation as that of a Son.

(b) Instead of this Declaration Sir *Francis Bacon* tells us in another place, that at this time there came forth in Print the King's *Book*, containing matter of Instruction to the *Prince* his Son, touching the Office of a King; which falling into every Man's hand, filled the whole Realm as with a good Perfume and Incense before the King's coming in, and far exceeded any Formal or curious Edict or Declaration which could have been devised of that Nature, wherewith Princes in the beginning of their Reigns do use to grace themselves, or at least express themselves gracious in the Eyes of their People.

Letters and Memoires

to shew the King any such Draught, because the veins and pulses of this State cannot but be best known here; which if your Lordship should do, then I would desire you to withdraw my Name, and only signifie that you gave some heads of direction of such a Matter to one of whose Stile and Pen you had some opinion. *The other* Collateral; That though your Lordship make no other use of it, yet it is a kind of Portraicture of that, which I think worthy to be advised by your Lordship to the King; and perhaps more compendious and significant, than if I had set them down in Articles. I would have attended your Lordship but for some little Physick I took. To Morrow Morning I will wait on you. So I ever, &c.

VIII.

To the Earl of Southampton. (a)

It may please your Lordship,

in I Would have been very glad to have presented my humble Service to your Lordship by my Attendance, if I could have foreseen that it should not have been unpleasing unto you. And therefore, because I would commit no error, I chose to write; assuring your Lordship, how [^]credible soever it may seem to you at first, yet it is as true as a thing that God knoweth; that this great Change hath wrought in me no other Change towards your Lordship than this, That

(a) Henry Wriothesley Earl of Southampton having been involved in the Ruins of the most Noble but unfortunate Earl of Essex, was condemned to die as guilty of the same Crimes, but that Earl who seemed careless of his own life, interceded for the Life of his Friend, as did Southampton's own modest Behaviour at his Trial: From which time he suffer'd Imprisonment in the *Tower* till the 10th of *April* 1603. He was afterwards restored in Blood, made Knight of the Garter, and One of his Majesty's Privy Council.

I may

of Sir FRANCIS BACON.

II

I may safely be now that which I was truly before.
And so craving no other pardon, than for troubling
you with my Letter, I do not now begin to be, but
continue to be

Your Lordships humble and much devoted,
FR. BACON.

IX.

To Mr. Mathewe. (a)

S I R,

I Was heartily glad to hear that you had passed so
great a part of your Journey in so good health.
My aim was right in my Address of Letters to those
Persons in the Court of *Scotland*, who were likeliest to

(a) I make no doubt but that this Letter was written to Mr. Mathewe, although it is not so express'd in his Collection. He was Son to Dr. *Tobie Mathewe* Bishop of *Durham*, and afterwards *Archbishop* of *York*; one of the most Eminent Divines of this Nation, consider'd either in the Schools, the Pulpit, or the Episcopal Chair; and was born in *Oxford* in 1578, whilst his Father was *Dean* of *Christ-Church*, but was to the great grief of his Parents a few years after the coming in of the King, reconciled to the Church of *Rome*, through the means, as is said, of *Parsons* the Jesuit: And became so industrious an Agent for her, that his refusal of the Oath of Allegiance Established by a late Act of Parliament, together with some imprudent Carriage, gave the King so great offence, that he was in a manner exiled the Kingdom in the year 1607. He continued roving from one Country and Prince's Court to another till 1617, when applying himself with much earnestness to the Earl of *Buckingham*, he obtain'd a permission to come into *England*, which he did in *July* that year, presenting himself in the first place to Sir *Francis Bacon* then *Lord Keeper* of the *Great Seal*. But the King being afterwards displeased with him, did notwithstanding his moving and pressing Letters command him again to depart in *October* 1618. Yet in 1622 he was recalled to assist in the business of the *Spanish Match* then in agitation, and Knighted the year following. He is represented as a Man of very good Parts and Literature, but of an active and restless temper. What opinion Sir *Fr. Bacon* had of him when young appears before in his Letter to Sir *Thomas Chaloner*, and what esteem he had for Sir *Francis* may be seen in the Preface to his Collections of Letters. At the beginning of which is Printed his Character of the Lady *Carlisle* whom I have mention'd before. He died at *Ghent* in *Flanders* in 1655.

be used for the Affairs of *England*; but the pace they held was too swift, for the Men were come away before my Letters could reach them. With the first, I have renewed acquaintance, and it was like a Bill of Revivor, by way of Cross-Suits; for he was as ready to have begun with me. The second did this day arrive, and took acquaintance with me instantly in the Council-Chamber, and was willing to entertain me with further demonstrations of Confidence, than I was willing at that time to admit. But I have had no serious Speech with him, nor do I yet know whether any of the Doubles of my Letter have been delivered to the King. It may perhaps have proved your Luck to be the first.

Things are here in good Quiet. The King acts Excellently well; for he puts in Clauses of reservation to every Proviso. He saith, he would be sorry to have just cause to remove any. He saith, he will displace none who hath served the *Queen* and *State*, sincerely, &c. The truth is, here be two Extreame, some few would have no change, no not reformation. Some many would have much change, even with perturbation. God, I hope, will direct this wise King to hold a mean between Reputation enough, and no Terrors (*b*). In my Particular I have many Comforts

(*b*) Upon this occasion it may not be amiss to remember what the most Eminent Cardinal D'Ossat writ from Rome to Monsieur de Villeroy upon the Accession of King James to the Crown of *England*, part of which I wish no Prince would ever forget.

C'est l'ordinaire des hommes de regarder plus au Soleil Orient qu'à l'occident, & des Princes bien advisez qui sont appelez à un nouvel Estate, d'y entrer doucement, sans irriter ni mécontenter Personne ni dedans ni dehors. Si ce Prince continue guidé par la vertu, & accompagné de bon heur, come jusques icy, il sera tres-grand, & fera bon l'avoir pour amy; & nous qui depuis quelques années en ca n'avions eü l'œil quasi qu'en un lieu, faudra que l'ayons cy après en deux; comme faudra bien aussi qui fassent encores d'autres, Et en Fin de Compte, *Celui de tous qui regnera*

forts and Assurances; but in my own opinion the chief is, that the Canvassing World is gone, and the deserving World is come. And withal I find my self as one awaked out of sleep; which I have not been this long time, nor could I think have been now without such a great noise as this, which yet is in *Anrâ Leni*. I have written this to you in hast, my end being no more than to write, and thereby to make you know that I will ever continue the same, and still be sure to wish you as heartily well as to my self.

regnera le mieux, & le plus justement à l'honneur & gloire de Dieu, & au Soulagement, Profit & Felicité de ses sujets; sera le plus assuré, le plus Fort, & le plus aimé loüé & beni de Dieu & des Hommes; en quoy consiste la vraye & perdurable grandeur & Puissance des Roys, & l'assurance de leur Posterité.

X.

To the Earl of Northumberland.

It may please your Good Lordship,

I Would not have lost this Journey, and yet I have not that I went for, for I have had no private Conference to purpose, with the King. No more hath almost any other *English*. For the Speech his Majesty admitteth with some Noblemen, is rather matter of Grace than matter of Business; with the *Attorney* he spake, urged by the *Treasurer of Scotland*, but no more than needs must. After I had receiv'd his Majesty's first welcome, and was promised private access; yet not knowing what matter of Service your Lordship's Letter carried (for I saw it not) and well knowing that primeness in advertisement is much; I chose rather to deliver it to Sir *Tho. Heskins*, than to cool it in my *Erskin* own hands, upon expectation of Access. Your Lordship

ship shall find a *Prince*, the farthest from vain glory, that may be; and rather like a *Prince* of the *Ancient Form*, than of the *latter time*. His Speech is swift and cursory, and in the full *Dialect* of his *Country*, and in Speech of Business, short; in Speech of Discourse, large. He affecteth Popularity by Gracing such as he hath heard to be Popular, and not by any fashions of his own: He is thought somewhat general in his Favours; and his virtue of Access, is rather, because he is much abroad, and in press, than that he giveth easie Audience. He hasteneth to a *Mixture* of both *Kingdoms* and Occasions, faster perhaps than Policy will well bear. I told your Lordship once before, that (methought) his Majesty rather asked Counsel, of the time past, than of the time to come. But it is yet early to ground any settled opinion. For the Particulars, I refer to Conference, having in these Generals gone further in so tender an Argument, than I would have done, were not the bearer hereof so assured. So I continue, &c.

XI.

To Mr. Pierce Secretary to the Lord Deputy
of Ireland.

Mr. Pierce.

I Am glad to hear of you, as I do; and for my part, you shall find me ready to take any Occasion, to further your Credit, and Preferment. And I dare assure you, (though I am no *Undertaker*) to prepare your way with my Lord of Salisbury, for any good fortune which may befall you. You teach me to complain of Business, whereby I write the more briefly;
and

and yet I am so unjust, as that which I alledge for mine own Excuse, I cannot admit for yours. For I must, by expecting, exact your Letters, with this fruit, of your Sufficiency, as to understand how things pass in that *Kingdom*. And therefore, having begun, I pray you continue. This is not meerly Curiosity, for I have ever (I know not by what instinct) wished well to that impolished part of this *Crown*. And so, with my very Loving Commendations, I remain.

XII.

To the Earl of Salisbury. (a)

It may please your Good Lordship,

I Present your Lordship with a *Work* of my vacant time; which if it had been more, the *Work* had been better. It appertaineth to your Lordship (besides my particular respects) in some propriety; in regard you are a great Governour, in a Province of Learning. And (that which is more) you have added to your place Affection towards Learning; and to your Affection, Judgment. Of which, the last, I could be con-

(a) Sir Robert Cecil, Created by King James Lord Cecil, Vicount Cranborne, and Earl of Salisbury; was not only Son to one of the Greatest Statesmen of his Age, the Lord Burleigh, but succeeded him in his Places and Abilities, and was one of the great Supports of the Queen's declining years. Yet the ill Offices he was thought to perform towards the Noble and Popular Earl of Essex, together with his conduct in some Particulars in her Successor's Reign, has abated the Lustre of his Character, which otherwise from his Parts and Prudence would have appear'd very conspicuous. After he had been long Secretary of State, some years Lord Treasurer and Chancellor of the University of Cambridge, he died in May 1612, at Marlborough in his return from the Bath; as by a Diary of his Sickness, and the account given by Sir Robert Naunton one of his Retinue, appears; which I should not here mention, but that his Enemies in their Libels which flew freely about, have suggested that he died on the Downs, which if true, could be esteemed at most but his Misfortune.

tent,

tent, were (for the time) less, that you might the less exquisitely censure, that which I offer unto you. But sure I am, the Argument is good, if it had lighted upon a good Author. But I shall content my self to awake better Spirits; like a Bell-ringer, which is first up to call others to Church. So with my humble desire of your Lordship's good acceptance, I remain.

XIII.

To the Lord Treasurer Buckehurst. (a)

May it please your Good Lordship,

I Have finished a Work touching the *Advancement*, or setting forward of *Learning*, which I have Dedicated to his *Majesty*; the most Learned of a Sovereign, or Temporal Prince, that time hath known. And upon reason, not unlike, I humbly present one of the Books, to your Lordship: Not only as a *Chancellor* of an Uni-

(a) I shall draw this Noble Lord's Character from Sir Robert Naunton's Observations of the Favourites of Queen *Elizabeth*; and much in his own words: My Lord of *Buckehurst* was of the Noble House of the *Sackvilles*, and of the Queen's Conianguinity. He was a very fine Gentleman of Person and Endowments, both of Art and Nature; but without measure magnificent, till on the Turn of his Humour, and the allay that his years and good counsels of the Queen, &c. had wrought upon those immoderate courses of his Youth, and that Height of spirit inherent to his House; She began to assist him in the reparation of that vast Patrimony he had much wasted. After the Honour she had given him of Lord *Buckehurst*, and Knight of the *Garret*, she procured him to be chosen *Chancellor* of the University of *Oxford*, upon the death of Sir *Christopher Hatton*, and constituted him *Lord Treasurer* on the death of the Lord *Burleigh*, which Office he enjoy'd till April 1608, dying then suddenly at the Council-Table: The King having some years before Created him Earl of *Dorset*. He is also much commended for his happy vein in Poetry, to which he was addicted in his Youth; and for his Elocution, and the Excellencies of his Pen; Faculties that yet run in the Blood, as Sir Robert Naunton observes in his Son Robert and his Grandsons Richard and Edward, Successive Earls of *Dorset*, and this Age has the satisfaction to see continued in the Person of the Right Honourable Charles Earl of *Dorset* and *Middlesex*.

versity,

versity, but as one that was Excellently bred in all Learning ; which I have ever noted to shine in all your Speeches and Behaviours. And therefore your Lordship will yield a Gracious Aspect to your first Love ; and take pleasure in the adorning of that where-with your self are so much adorned. And so humbly desiring your favourable Acceptation thereof, with signification of humble Duty, I remain.

XIV.

To the Lord Chancellor. (a)

May it please your Good Lordship,

I humbly present your Lordship with a *Work*, wherein, as you have much Commandment over the *Author* ; so your Lordship hath great interest in the *Argument* : For to speak without flattery, few have like use of Learning, or like Judgment in Learning, as I have observed in your Lordship. And again, your Lordship hath been a great Planter of Learning ; not only in those places in the Church, which have been in your own Gift, but also in your Commendatory Vote, no Man hath more constantly held ; Let it be given to the most deserving, *detur digniori* : And therefore, both your Lordship is beholding to *Learning*, and *Learning* beholding to you ; which maketh me presume with good assurance that your Lordship will accept well of these my Labours ; the rather because your Lordship in private Speech hath often begun to me in expressing your Admiration of his Majesty's Learning, to whom I have Dedicated this Work ; and whose Virtue and Perfection in that kind did chiefly move me to a Work

(a) Sir Thomas Egerton Lord Ellesmere. See the Introduction.

of this Nature. And so with signification of my most humble Duty and Affection to your Lordship, I remain.

XV.

To the Earl of Northampton. (a)

It may please your Good Lordship,

HAVING finished a *Work* touching the *Advancement* of *Learning*, and Dedicated the same to his Sacred Majesty, whom I dare avouch, (if the Records of time err not) to be the *Learnedst King* that hath Reigned; I was desirous, in a kind of Congruity, to present it by the *Learnedst Counsellor* in this Kingdom; to the end that so good an *Argument*, lighting upon so bad an *Author*, might receive some reputation by the hands into which, and by which it should be delivered. And therefore, I make it my humble Suit to your Lordship, to present this mean but well meant Writing to his Majesty, and with it, my humble and zealous Duty;

(a) The Earl of Northampton was the second Son, and bore the Name of that accomplished Gentleman *Henry Howard*, Earl of *Surrey*, Son and Heir to the Duke of *Norfolk*, who suffer'd under the Severity of King *Henry* the Eighth's latter days, the one by Death, the other Imprisonment. During great part of the Reign of Queen *Elizabeth*, while his Family lay under the Cloud, he appli'd himself to Learning; and to what a degree he arrived appears by a Book he Published in 1583, against the Poyson of Supposed Prophecies, and Dedicated to Sir *Francis Walsingham*; and the Eulogy that was generally given him, *That He was the most Learned among the Noble, and the most Noble among the Learned*. But in the King's Reign His Advancement was speedy both in Favours, Honours and Riches. The Services he performed as a Commissioner in making the Peace between *England* and *Spain*, gave birth to a Saying in those Times, (but with what truth I know not) That his House in the *Strand* now call'd *Northumberland-House*, was built by *Spanish Gold*. He died in 1614, leaving behind him the memory of some real good Works, and of some supposed ill ones; concealing as was thought his Religion for many years, and of being privy to the untimely death of Sir *Tho. Overbury*.

and

and also, my like humble request of Pardon, if I have too often taken his Name in vain, not onely in the the Dedication, but in the voucher of the Authority of his Speeches and Writings. And so I remain.

XVI.

To Sir Thomas Bodley. (a)

S I R,

I Think no Man may more truly say, with the Psalm, * *Multum Incola fuit Anima mea*, than my self; for I do confesse since I was of any understanding, my mind hath in effect been absent from that I have done: And in absence are many Errors, which I do willingly acknowledge; and amongst the rest, this great one that led the rest; that knowing my self by inward calling to be fitter to hold a Book, than to play a part, I have led my life in Civil Causes; for which I was not very fit by nature, and more unfit by the pre-occupation of my Mind. Therefore calling my self home, I have now for a time enjoyed my self; whereof, likewise I desire to make the World partaker. My Labours (if I may so term that which was the comfort of my other Labours) I have Dedicated to the King; desirous if there be any good in them, it may be as the *fat* of a *Sacrifice*, incensed to his Honour: And the second Copy I have sent unto you, not onely in good affection, but in a kind of Congruity, in regard of your great and rare desert of Learning. For

* My Soul hath been long a So-journer.

(a) Sir Thomas Bodley restored the Library in Oxford, begun in the Times of King Henry the Sixth by Humphry Duke of Gloucester; or was rather the Founder of a new One, which now bears his Name, and which hath placed him among the chief Benefactors to that University, and to the Commonwealth of Learning. He died in the entrance of the year 1613.

Books are the *Shrines* where the *Saint* is, or is believed to be. And you having built an *Ark* to save *Learning* from *Deluge*, deserve propriety in any new Instrument, or Engine, whereby *Learning* should be improved or advanced.

XVII.

To Dr. Playfer.

Mr. Dr. Playfer,

A Great desire will take a small Occasion to hope and put in trial that which is desired. It pleased you a good while since, to express unto me the good liking which you conceived of my Book of the *Advancement of Learning*; and that more significantly, (as it seemed to me) than out of courtesie, or Civil respect. My self, as I then took Contentment in your Approbation thereof; so I should esteem and acknowledge, not onely my Contentment encreased, but my Labours advanced, if I might obtain your help in that Nature which I desire. Wherein before I set down in plain Terms, my request unto you, I will open my self, what it was which I chiefly sought and propounded to my self in that Work; that you may perceive that which I now desire, to be persuant thereupon. If I do not much err, (for any Judgment that a Man maketh of his own doings, had need be spoken with a *Si nunquam fallit Imago*, (a)) I have this Opinion, that if I had sought mine own Commendation, it had been a much fitter course for me to have done as Gardeners used to do, by taking their Seed and Slips, and

(a) *Virg. 2d Eclogue*, alluding there to the good opinion Men are apt to have of their own Persons, as here of their own Works,

rearing.

rearing them first into Plants, and so uttering them in Pots, when they are in flower, and in their best state. But for as much as my end was *Merit* of the *State* of *Learning* (to my power) and not *Glory*; and because my purpose was rather to excite other Mens Wits than to magnifie mine own; I was desirous to prevent the uncertaintie of mine own life and times, by uttering rather Seeds than Plants: Nay and further, (as the Proverb is) by sowing with the Basket, rather than with the hand: Wherefore, since I have onely taken upon me to ring a Bell, to call other Wits together, (which is the meanest Office) it cannot but be consonant to my desire, to have that Bell heard as far as can be. And since they are but sparks which can work but upon Matter prepared, I have the more reason to wish, that those sparks may fly abroad, that they may the better find and light upon those minds and spirits which are apt to be kindled. And therefore the privateness of the *Language* considered, wherein it is written, excluding so many Readers; as on the other side, the *Obscurity* of the *Argument* in many parts of it, excludeth many others; I must account it a *second Birth* of that *Work*, if it might be Translated into *Latin*, without manifest loss of the Sense and Matter. For this purpose I could not represent to my self any Man into whose hands I do more earnestly desire that *Work* should fall than your self; for by that I have heard and read, I know no Man a greater Master in commanding words to serve Matter. Nevertheless, I am not ignorant of the worth of your Labours, whether such as your place and profession imposeth, or such as your own virtue may upon your voluntary Election take in hand. But I can lay before you no other persuasions than either the *Work* it self may affect you with; or the *Honour* of his *Majesty*, to whom it is dedicated,

licated, or your particular inclination to my self; who, as I never took so much comfort in any Labours of mine own, so I shall never acknowledge my self more obliged in any thing to the Labours of another, than in that which shall assist it. Which your Labour, if I can by my Place, Profession, Means, Friends, Travel, Work, Deed, requite unto you, I shall esteem my self so streightly bound thereunto, as I shall be ever most ready both to take and seek occasion of Thankfulness. So leaving it nevertheless, *Salvâ Amicitia*, as reason is to your good liking. I remain.

XVIII.

To the Lord Chancellor.

It may please your Good Lordship,

SOME late Act of his Majesty, referred to some former Speech which I have heard from your Lordship, bred in me a great desire; and the strength of desire a boldness to make an humble Proposition to your Lordship; such as in me can be no better than a wish: But if your Lordship should apprehend it, it may take some good and worthy effect. The Act I speak of, is the Order given by his Majesty for the erection of a *Tomb* or *Monument*, for our late Sovereign Queen *Elizabeth* (a); wherein I may note much, but only this at this time, that as her Majesty did always right to his Majesty's *hopes*; so his Highness doth in all things right to her *Memory*; a very just and Princely retribution. But from this occasion by a very easie ascent I passed further, being put in mind by this Representative of her *Person* of the more true, and more vive

(a) The Monument here spoken of was erected in K. Henry the Seventh's Chappel at *Westminster*, in the year 1506.

Repre-

Representation which is of her *Life* and *Government*; for as *Statues* and *Pictures* are *dumb Histories*, so *Histories* are *speaking Pictures*; wherein if my affection be not too great, or my reading too small; I am of this opinion, That if *Plutarch* were alive to write *Lives* by *Parallels*, it would trouble him for virtue and for time, both to find for her a *Parallel* amongst *Women*. And tho' she was of the passive Sex, yet her *Government* was so active, as in my simple opinion, it made more impression upon the several States of *Europe*, than it received from thence. But I confess unto your Lordship I could not stay there, but went a little further into the consideration of the times which have passed since King *Henry the Eighth*; wherein I find the strangest variety that in so little number of Successions of any Hereditary Monarchy hath ever been known. The *Reign* of a *Child*: The offer of an *Usurpation*, though it were but as a *Diary Ague*; the *Reign* of a *Lady* Married to a *Foreigner*, and the *Reign* of a *Lady* solitary and unmarried; so that as it cometh to pass in massy Bodies; That they have certain Trepidations and waverings, before they fix and settle; so it seemeth that by the Providence of God, this Monarchy (before it was to settle in his Majesty, and his Generations, in which I hope it is now established for ever) hath had these prelusive changes in these barren Princes. Neither could I contain my self here, (as it is easier to multiply than to stay a wish) but calling to remembrance the unworthiness of the *History of England* (b), in the main continuance thereof; and the *Partiality* and *Obliquity* of that

(b) The unworthiness of the *History of England* hath been long complain'd of by ingenious Men, both of this and other Nations. Sir *Francis Bacon* hath expressed himself much to the same effect, and in many of the same words, tho' more at large in his second Book of the *Advancement of Learning*. Where he carries this Period of remarkable Events somewhat higher.

that of *Scotland*, in the latest and largest Author (c) that I have seen; I conceived it would be honour for his Majesty, and a Work very Memorable, if this *Island* of *Great Britain*, as it is now joyned in *Monarchy*, for the Ages to come; so it were joyned in *History* for the times past; and that one just and compleat *History* were Compiled of both Nations. And if any Man think it may refresh the Memory of former discords, he may

higher than in this Letter; beginning with the Union of the Roses under *Henry* the Seventh, and ending with the Union of the Kingdoms under King *James*. A portion of time filled with so great and variable Accidents both in Church and State, and since so well discovered to the view of the World, that had other Parts the same performance, we should not longer lye under any reproach of this kind. And since the Specimen Sir *William Temple* has given the Nation, and the progress another faithful and industrious Gentleman has made; we may hope to see a general History of *England* compleated in our times. The Reign of King *Henry* the Seventh was written by our Author soon after his Retirement, with so great a Beauty of Stile and wisdom of Observation, that nothing can be more entertaining, where the Truth of History is not disguised with the false Colours of Romance. It was so acceptable a Present to the *Prince of Wales*, that when he became King, he commanded him to proceed with the Reign of King *Henry* the Eighth. But my Lord *Bacon* being then meditating the History of Nature, which he hardly lived to publish; His ill state of Health, and succeeding death, put an end to this and other Noble designs. Leaving the Ecclesiastical and Civil Affairs of those Times to be so well related by the Learned Pens of Dr. *Burnet*, the present Bishop of *Salisbury*, (notwithstanding the Objections of the avow'd Enemies, and seeming Friends to the Reformation) and the Lord *Herbert* of *Cherbury*; that I think there is not much of moment to be expected from a future hand. And for the *Annals* of Queen *Elizabeth* compiled by Mr. *Cambden*, the esteem of them is as Universal as the Language in which they are written. Nor must I forget in this Place to take notice of two fair and large Volumes lately published in *French* by *Monsieur de Larrey*, where building upon the Foundations laid by these Gentlemen, and some other Memoires he had not forgotten to do much Honour to the *English* Nation. Beginning his History also with *Henry* the Seventh, and already continued to the End of King *James* the First.

(c) This I take to be meant of *Buchanan's* History of *Scotland*, a Book much admired by some, but censured by many, for his Partiality in favour of the Lords, against *Mary* Queen of the *Scots*, and the Regal Power. In other respects, Archbishop *Spotswood* informs us that he Penned it with such Judgement and Eloquence, as no Country can shew a better.

fatisfic

satisfie himself with the verse, *Olim hæc meminisse juvabit*; for the case being now altered, it is matter of Comfort and Gratulation to remember former Troubles. Thus much, if it may please your Lordship, is in the Optative Mood; it is time that I did look a little into the Potential; wherein the hope which I conceived was grounded upon three Observations. The *First*, the nature of these times, which flourish in Learning, both of Art and Language; which giveth hope not onely that it may be done, but that it may be well done. *Secondly*, I do see that which all the world sees in his Majesty, both a wonderful Judgement in Learning, and a singular Affection towards Learning; and Works which are of the *Mind*, and not of the *Hand*. For there cannot be the like honour sought, in building of *Galleries* (d), and Planting of *Elmes* along High-ways, and outward Ornaments, wherein *France* now is busie; (things rather of Magnificence than of Magnanimity;) as there is in the *uniting of States* (e), *pacifying of Controversies* (f), nourishing and *augmenting of Learning and Arts*, and the particular Actions appertaining to these; of which kind *Cicero* judged truly, when he said to *Cæsar*, * *Quantum Operibus suis detrahet vetustas, tantum addet Laudibus*. And *Lastly*, I call to mind, that your Lordship at some times had been pleased to express unto me a great desire, that something of this nature should be performed; answerable indeed to your other Noble and worthy Courses and Actions: Joyning and adding unto the great Services towards his Majesty; (which

* That Time it self will as much improve your Fame as it will impair your Works.

(d) The Magnificent Gallery at the *Louvre* in *Paris*, built by *Henry* the Fourth.

(e) The Union of *England* and *Scotland*.

(f) The Conference at *Hampton Court* held between the Bishops and Puritan Ministers as they were then called, soon after the King's coming to the Crown of *England*, and where his Majesty was the Moderator.

have in small compafs of time, been put upon your Lordship) other great defervings both of the *Church* and *Commonwealth*, and Particulars ; fo as the opinion of fo great and wife a Man, doth feem to me a good Warrant both of the poffibility and worth of this matter. But all this while, I affure my felf, I cannot be miftaken by your Lordship, as if I fought an Office or Imployment for my felf: For no Man knows better than your Lordship, that if there were in me any faculty thereunto, yet neither my courfe of life, nor profeffion would permit it: But becaufe there be fo many good *Painters* both for *Hand* and *Colours*, it needeth but encouragement and instructions to give life unto it, fo in all humbleness, I conclude, my presenting unto your Lordship this *Wifh*; which, if it perifh, it is but a lofs of that which is not. And fo craving pardon that I have taken fo much time from your Lordship, I remain.

XIX.

To the KING.

It may please your Majesty,

HEaring that you are at leifure to perufe Stories, a defire took me to make an Experiment what I could do in your Majesty's times, which being but a leaf or two, I pray your pardon, if I fend it for your Recreation;* Considering that Love muft creep where it cannot go. But to this I add thefe Petitions. *First*, that if your Majesty do diflike any thing, you would conceive I can amend it upon your leaft beck. *Next*, that if I have not fpoken of your Majesty, *Encomiaftically*, your Majesty would be pleafed onely to afcribe it, to the

* This is
Printed
in the *Re-
fufcitatio*,
pag. 221.

the *Law* of an *History* ; which doth not clutter together praises upon the first mention of a Name, but rather disperseth and weaveth them through the whole Narrative. And as for the proper place of Commemoration, (which is in the period of life) I pray God I may never live to write it. *Thirdly*, that the reason why I presumed to think of this Oblation, was because whatsoever my disability be, yet I shall have that advantage which almost no Writer of History hath had : In that I shall write of Times not onely since I could remember, but since I could observe. And lastly, that it is only for your Majesty's reading.

XX.

To Mr. Edward Coke. (a)

Mr. Attorney,

I Thought best, once for all, to let you know in plainness what I find of you, and what you shall find of me ; You take to your self a Liberty to Disgrace and disable my *Law*, my *Experience*, my *Discretion* ; what it pleaseth you, I pray, think of me ; I am one that knows both mine own wants, and other Mens : And it may be, perchance, that mine mend, others stand at a stay. And surely I may not endure in publick place, to be wronged without repelling the same to my best advantage to right my self. You are great, and therefore have the more Enviars, which would be glad to have you paid at another's cost. Since the time I missed the *Solicitor's* place, (the rather I think by your means) I cannot expect that you and I shall ever serve as *Attorney* and *Solicitor* together ; But either to serve with an-

(a) See the Introduction.

other upon your remove, or to step into some other course: So as I am more free than ever I was from any Occasion of unworthy conforming my self to you, more than general good Manners, or your particular good usage shall provoke; and if you had not been short-sighted in your own fortune, (as I think) you might have had more use of me. But that side is passed. I write not this to shew my Friends what a brave Letter I have written to Mr. *Attorney*; I have none of those humours, but that I have written is to a good end; that is, to the more decent Carriage of my Master's Service; and to our particular better understanding one of another. This Letter, if it shall be answered by you in Deed, and not in word, I suppose it will not be worse for us both: Else it is but a few lines lost; which for a much smaller matter, I would have adventured. So this being to your self, I for my part rest.

XXI.

To the Earl of Salisbury.

May it please your Lordship,

I Am not privy to my self of any such ill deserving towards your Lordship, as that I should think it an impudent thing to be a Suitor for your Favour in a reasonable matter; your Lordship being to me as (with your good Favour) you cannot cease to be, but rather it were a simple and arrogant part in me to forbear it.

It is thought Mr. *Attorney* shall be *Chief Justice* of the *Common Pleas*; in case Mr. *Solicitor* rise, I would be glad now at last to be *Solicitor*; chiefly because I think it will increase my practice, wherein God blessing me a few years, I may mend my state, and
so

so after fall to my Studies and ease; whereof one is requisite for my Body, and the other serveth for my mind; wherein if I shall find your Lordship's Favour, I shall be more happy than I have been, which may make me also more wise. I have small store of means about the King, and to sue my self is not fit; and therefore I shall leave it to God, his Majesty, and your Lordship, for I must still be next the Door. I thank God in these Transitory things I am well resolved. So beseeching your Lordship not to think this Letter the less humble, because it is plain. I rest, &c.

Fr. Bacon.

XXII.

To the Earl of Salisbury.

It may please your good Lordship,

I Am not ignorant, how mean a Thing, I stand for, in desiring to come, into the *Solicitor's* Place: For I know well, it is not the Thing it hath been; Time having wrought Alteration, both in the Profession, and in that special Place. Yet because, I think, it will encrease my Practice, and that it may satisfy my Friends; And because I have been voiced to it, I would be glad it were done. Wherein, I may say to your Lordship, in the Confidence, of your Poor Kinsman, and of a Man, by you advanced; * *Tu idem fer Opem, qui Spem dedisti*: For, I am sure, it was not possible, for a Man Living, to have received, from another, more significant, and comfortable, words of Hope; your Lordship being pleased, to tell me, during the Course of my last Service, that you would raise me; And that, when

* As you have given Hope, give Help.

when you had resolved, to raise a Man, you were more careful of him, than himself; And that, what you had done for me, in my Marriage, was a benefit to me, but of no use to your Lordship; And therefore, I might assure my Self, you would not leave me there; with many like Speeches, which I knew, my Duty too well, to take any other hold of, than the Hold of a Thankful Remembrance. And I acknowledge, and all the World knoweth, that your Lordship, is no Dealer, of *Holy Water*, but Noble, and Real; And, on my part, I am of a sure ground, that I have committed nothing, that may deserve alteration. And therefore, my Hope is, your Lordship, will finish a good Work, and consider, that Time groweth precious with me, and that I am now in * *Vergentibus Annis*. And although I know, that your Fortune is not to need, an Hundred such as I am, yet I shall be ever ready, to give you my best, and First fruits; And to supply, (as much as in me lieth,) Worthiness, by Thankfulness.

* Declining
Years.

XXIII.

To the Lord Chancellor.*

It may please your Good Lordship,

AS I conceived it to be a Resolution, both with his Majesty, and your Lordships of his Council, that I should be placed *Sollicitor*, and the *Solicitor*, to be removed, to be the *King's Serjeant*: So I most thankfully acknowledge, your Lordship's furtherance, and forwardness therein; your Lordship, being the Man, that first devised the Mean: Wherefore, my humble Request, to your Lordship is, that you would set in, with some Strength, to finish this your Work: Which
I assure

I assure your Lord, I desire the rather, because being placed, I hope, for many Favours, at last, to be able, to do you some better Service. For as I am, your Lordship cannot use me; nor scarcely indeed know me: Not that I vainly think, I shall be able, to do any great Matters, but certainly, it will frame me to use a nearer Observance, and Application, to such, as I honour so much, as I do your Lordship; And not, (I hope) without some good Offices, which may, now and then, deserve your Thanks. And herewithal, (good my Lord) I humbly pray your Lordship, to consider, that Time groweth precious with me, and that a Married Man, is seven years elder, in his thoughts, the first day. And therefore, what a discomfortable Thing it is for me, to be unsettled still? Certainly, were it not, that I think my Self born, to do my Sovereign Service; And therefore, in that Station, I will live and die; Otherwise, for mine own Private comfort, it were better for me, that the *King*, did blot me out of his *Book*; Or that I should turn my Course, to endeavour, to serve, in some other kind, than for me, to stand thus at a stopp; And to have that little Reputation, which by my Industry I gather, to be scattered, and taken away, by continual Disgraces, every new Man coming above me. Sure I am, I shall never have fairer Promises, and Words, from all your Lordships. For I know not what my Services are, (saying that your Lordships told me, they were good;) And I would believe you, in a much greater Matter. Were it nothing else, I hope the Modesty of my Sute, deserveth somewhat; For I know well, the *Solicitor's* Place, is not as your Lordship left it; Time working Alteration, somewhat in the Profession, much more in that special Place. But to conclude, as my Honourable Lady, your Wife, was some Mean, to make me, to change the Name of Another; So if
it

it please you, to help me, to change mine own Name, I can be, but more and more bounden to you : And I am much deceived, if your Lordship, find not the *King*, well inclined, and my *Lord of Salisbury* forward, and affectionate.

XXIV.

To the KING.

HOW honestly ready I have been (*most Gracious Sovereign*,) to do your Majesty humble Service, to the best of my Power, and in a manner, beyond my power, (as I now stand,) I am not so unfortunate, but your Majesty knoweth. For both, in the *Commission of Union*, (the Labour whereof, for Men of my Profession, rested most upon my hand;) And this last *Parliament*, in the *Bill of the Subsidy*; Both Body and Preamble; In the *Bill of Attainders*, both *Tresham*, and the rest; In the *Matter of Purveyance*; In the *Ecclesiastical Petitions*; In the *Grievances*; And the like; as I was ever careful, (and not without good Success,) sometimes to put forward, that which was good; sometimes to keep back, that which was not so good; So your Majesty was pleased, kindly to accept of my Services, and to say to me; Such Conflicts were the Wars of Peace; And such Victories the Victories of Peace; And therefore such Servants, that obtained them, were by *Kings*, that reign in Peace, no less to be esteemed, than Services of Commanders in the Wars. In all which, nevertheless, I can challenge, to my Self, no Sufficiency, but that I was diligent, and reasonable happy, to execute those Directions, which I received, either immediately from your Royal Mouth, or from my *Lord of Salisbury*. At what time, it pleased your Majesty

Majesty also, to promise, and assure me, that upon the Remove of the then *Attorney*, I should not be forgotten, but brought into Ordinary Place. And this was after confirmed to me, by many of my Lords, and towards the end of the last Term, the manner also, in particular, spoken of; That is, that Mr. *Sollicitor*, should be made your Majesty's *Serjeant*, and I *Sollicitor*: For so it was thought best, to sort, with both our Gifts, and Faculties, for the good of your Service: And of this Resolution, both Court, and Country, took knowledge. Neither was this, any Invention, or Project, of mine own; but moved from my *Lords*, I think, first from my *Lord Chancellor*: whereupon resting, your Majesty well knoweth, I never opened my Mouth, for the *Greater Place*; Though I am sure, I had two Circumstances, that Mr. *Attorney*, that now is, could not alledge: The one, *Nine years* Service of the Crown: The other, the being *Cousin Germain*, to the *Lord of Salisbury*, whom your Majesty esteemeth, and trusteth so much. But for the less Place, I conceive it was meant me. But after that, Mr. *Attorney Hobert* was placed, I heard no more of my Preferment; but it seemed to me at a stopp, to my great Disgrace, and Discouragement. For (*Gracious Sovereign*,) if still, when the *Waters are stirr'd*, another shall be put in before me, your Majesty had need work a *Miracle*, or else, I shall be still, a lame Man, to do your Service. And therefore, my most humble Sute, to your Majesty, is; That this, which seemed to me intended, may speedily be performed: And, I hope, my former Service, shall be, but as Beginnings to better, when I am better strengthened: For sure I am, no Man's Heart is fuller, (I say not, but many may have greater Hearts, but I say not fuller,) of Love, and Duty, towards your Majesty, and your Children; As, I hope, Time

July 7. 1606

will manifest, against Envy, and Detraction, if any be. To conclude, I most humbly crave pardon for my boldness, and rest.

XXV.

To the Earl of Salisbury upon a New-years Tide.

It may please your Good Lordship,

HAVING no Gift to present you with, in any Degree proportionable to my mind; I desire, nevertheless, to take the advantage of a *Ceremony*, to express my self, to your Lordship; it being the first time, I could make the like acknowledgment, when I stood out of the Person of a Suter: wherefore, I most humbly pray your Lordship, to think of me, that now it hath pleased you, by many effectual and great benefits, to add the assurance and comfort of your love and favour, to that precedent disposition, which was in me, to admire your Virtue and Merit; I do esteem whatsoever I have, or may have, in this World, but as Trash, in comparison of having the honour and happiness, to be a near and well accepted Kinsman, to so rare and worthy a *Counsellor*, *Governour*, and *Patriot*. For having been a Studious, if not a curious observer of Antiquities of Virtue, as of late Pieces; I forbear to say to your Lordship what I find and conceive; but to any other I would think to make my self believed. But not to be tedious in that which may have the shew of a Complement, I can but wish your Lordship, many happy years; many more than your Father had; Even so many more, as we may need you more. So I remain.

XXVI.

To Mr. Mathew.

Mr. Mathew,

DO not think me forgetful, or altered towards you : But if I should say, I could do you any good, I should make my power more than it is. I do hear that, which I am right sorry for ; That you grow more impatient and busie, than at first ; which maketh me exceedingly fear the issue of that which seemeth not to stand at a stay. I my self am out of doubt, that you have been miserably abused, when you were first *seduced* : But that which I take in compassion, others may take in severity. I pray *God*, that understandeth us all, better than we understand one another, contain you (even as I hope he will) at the least, within the bounds of Loyalty to his Majesty, and Natural Piety towards your Country. And I intreat you much, sometimes, to meditate upon the extreme effects of *Superstition*, in this last *Powder-Treason* ; fit to be Tabled and Pictured, in the Chambers of *Meditation*, as another *Hell*, above the Ground ; and well justifying the Censure of the Heathen ; That *Superstition is far worse than Atheism* : By how much it is less evil, to have no opinion of *God* at all ; than such as is impious, towards his Divine Majesty and Goodness (a). Good Mr. *Mathew*, receive your self back from these Courses of Perdition : Willing to have written a great deal more, I continue, &c.

(a) Sir Francis Bacon repeats this Observation of *Plutarch's* in his Essays, in the Chapter of *Superstition*.

XXVII.

To Mr. Mathew.

S. I R,

TWO Letters of mine are now already walking towards you ; but so that we might meet, it were no matter though our Letters should lose their way. I make a shift in the mean time to be glad of your Approaches, and would be more glad to be an *Agent* for your *Presence*, who have been a *Patient* for your *Absence*. If your Body by indisposition make you acknowledge the healthful air of your Native Country ; much more do I assure my self that you continue to have your mind no way estranged. And as my Trust with the State is above suspicion, so my Knowledge, both of your Loyalty and honest Nature will ever make me shew my self your Faithful Friend, without scruple : You have reason to commend that Gentleman to me, by whom you sent your last, although his having Travelled so long amongst the sadder Nations of the World, make him much the less easie upon small acquaintance to be understood. I have sent you some Copies of my Book of the *Advancement*, which you desired, and a little work of my Recreation, which you desired not. My *Instauration* I reserve for our Conference ; it sleeps not. These Works of the *Alphabet* are in my opinion of less use to you where you are now, than at *Paris* ; and therefore I conceived, that you had sent me a kind of tacite Countermand of your former request. But in regard that some Friends of yours have still insisted here, I send them to you ; and for my part, I value your own reading

ing more than your publishing them to others. Thus in extream haste, I have scribled to you I know not what, which therefore is the less affected, and for that very reason will not be esteemed the less by you.

XXVIII.

To Sir George Carew. (a)

My very Good Lord,

BEING asked the Question by this Bearer, an Old Servant of my Brother *Anthony Bacon's*, whether I would command him any thing into *France*; and being at better leisure than I would, in regard of Sickness; I began to remember, that neither your Business, nor mine, (though great and continual) can be, upon an exact account, any just occasion, why so much good will as hath passed between us, should be so much discontinued, as hath been. And therefore, because one must begin, I thought to provoke your Remembrance of me by a Letter: And thinking to fit it with somewhat, besides Salutations, it came to my mind, that this last Summer Vacation, by occasion of a Factious Book, that endeavoured to verifie, *Misera Fæmina*, (the Addition of the *Pope's Bull*) upon *Queen Elizabeth*,

(a) Sir *George Carew* of the Family of the *Carews* in *Cornwal*, was made a Master of the Court of *Chancery* in the time of *Queen Elizabeth*; and in the year 1597, sent her Ambassador into *Poland*; and in 1606 went unto the Court of *France* with the like Character. After about three years Continuance, he was recalled by the King to make use of his Services at home; but he surviv'd not many years. *Monsieur de Thou* in a Letter to *Mr. Camden* in 1613 very much laments his Death; losing thereby a Friendship he much valued, and an assistance the prosecution of his History would not a little require. Having receiv'd the like from him in that part which relates to the Dissentions between the *Poles* and the *Suedes* in the year 1598, as appears before the Contents of the 121st Book of his History.

I did

I did write a few Lines in her *Memorial* (b), which I thought you would be pleased to read, both for the Argument; and because you were wont to bear affection to my Pen, *Verum, ut aliud ex alio*, if it came handsomely to pass, I would be glad the *President de Thou*, (who hath written an *History*, as you know, of that Fame and Diligence) saw it; Chiefly, because I know not whether it may not serve him for some use in his Story; wherein, I would be glad, he did right to the truth, and to the memory of that *Lady*, as I perceive by that he hath already written, he is well inclined to do. I would be glad also, it were some occasion, (such as absence may permit) of some acquaintance, or mutual notice between us. For though he hath many ways the precedence (chiefly in worth) yet this is common to us both, that we serve our Sovereigns in places of Law eminent: And not our selves only, but our Fathers did so before us. And lastly, that both of us love *Learning*, and *Liberal Sciences*, which was ever a bond of Friendship, in the greatest distance of places. But of this I make no farther request, than your Occasions and respects (to me unknown) may further or limit; my principal purpose being to salute you, and to send you this Token. Whereunto I will add my very kind Commendations to my *Lady*; and so commit you both to God's holy Protection.

(b) Of the Memorial here mention'd I have given an account in the Introduction.

XXIX.

To the KING.

It may please your Excellent Majesty,

I Know not better how to expresse my good Wishes of a *New-year* to your Majesty, than by this little *Book*, which in all humbleness I send you *. The style is a style of Business rather than Curious or Elaborate. And herein I was encouraged by my Experience of your Majesty's former Grace, in accepting of the like poor *Field-fruits* touching the *Union*. And certainly I reckon this action as a second Brother to the *Union*. For I assure my self that *England*, *Scotland* and *Ireland* well united, is such a *Trefoyle* as no Prince except your self (who are the Worthiest) weareth in his Crown; † *Si Potentia reducatur in actum*. I know well, that for me to beat my Brains about these things, they be * *Majora quàm pro Fortunâ*; But yet they be || *minora quàm pro studio, ac voluntate*. For as I do yet bear an extreme zeal to the memory of my old Mistresse Queen *Elizabeth*; to whom I was rather bound for her Trust than her Favour; so I must acknowledge my self more bound to your Majesty both for Trust and Favour; whereof I will never desire the one as I can never deserve the other. And so in all humbleness kissing your Majesty's Sacred Hand, I remain.

* This is Published in the *Resuscitatio*, pag. 255.

† If Power be reduced into action.

* Greater than my Abilities.

|| Less than my Endeavours and Desires.

XXX.

XXX.

To the Bishop of Ely, upon sending his Writing,
Entituled, Cogitata & Visa.

My very Good Lord,

NOW your Lordship hath been so long in the Church, and the Palace, disputing between *Kings*, and *Popes* (a); Methinks, you should take pleasure to look into the *Field*, and refresh your mind, with some
Matter

(a) The King and Kingdom being very much exasperated by the Barbarous Design of the *Gun-Powder Treason*; thought it necessary to make some more effectual Laws to distinguish between those *Papists* that would pay a due obedience to the King, and those that would not. For which end, at the Parliament which met upon the Memorable *Fifth* of *November* 1605, a New Oath of Allegiance was framed; Declaring that the *Pope*, &c. had no power to Depose Kings, Absolve their Subjects, or dispose of their Kingdoms, &c. The Court of *Rome*, jealous of losing an Authority, they had been many years assuming, and especially perceiving that many *Papists* submitted to the Oath, as not intrrenching upon matters of Faith and Conscience; severely inhibited them from taking the same, by two *Briefs*; the one quickly succeeding the other. The King on the other hand esteeming it a Point that nearly concerned him, had recourse to those Arms he knew best how to manage, and encountered the *Briefs* by a *Premonition* directed to all Christian Princes, exhorting them to espouse the common Quarrel. Cardinal *Bellarmino* who by virtue of his Title, thought himself almost equal to Princes, and of his great Learning and Reading in Controversial matters much superior, enters into the Lists with a Crown'd Head. The *Seconds* coming in on both Sides; no Man was thought fitter to engage this remarkable Antagonist than this great and renowned Prelate in Learning and Sanctity, Dr. *Andrews* than Bishop of *Ely*, and after of *Winchester*. Neither were the Reformed of the *French* Church idle Spectators. As *Monsieur du Moulin*, and *Monsieur du Plessis Mornay*. This last Published a Book at *Saumur* in 1611, Entituled the *Mystery of Iniquity*, &c. shewing by what degrees the Bishops of *Rome* had raised themselves to their present Grandeur, and asserting the Right of Sovereign Princes against the Positions of the Cardinals *Bellarmino* and *Baronius*. The *French* Edition whereof he Dedicated to *Lewis* the Thirteenth, and the *Latin* to King *James*, and presents the Book to him, with a Letter exhorting him, *De quitter d'oresenarant la Plume, pour aller L'Espe a la main desnicher l'Antichrist hors de sa Forteresse*:

To

Matter of Philosophy ; Though that *Science*, be now, through Age, waxed a Child again, and left to Boys, and young Men. And because you were wont to make me believe, you took liking to my Writings, I send you some of this Vacations Fruits ; And thus much more, of my mind and purpose. I hasten not to Publish ; perishing I would prevent. And I am forced, to respect, as well my Times, as the Matter. For with me it is thus ; and I think with all Men in my Case : If I bind my Self, to an Argument, it loadeth my Mind ; But if I rid my Mind, of the present Cogitation, it is rather a Recreation. This hath put me into these *Miscellanies* ; which I purpose to suppress, if God give me

To give over waging a War with his Pen, but to destroy the Papal Power with his Sword. Which he excites the King to attempt in the Conclusion of his Dedication, with so much life that I shall crave the liberty to insert part of his own words, in order to declare the spirit and zeal of a Gentleman, who for his Valour and Conduct in War, his Judgement in Counsel, his Dexterity in Dispatches, and his Firmness and Constancy in Religion ; in the Defence of which both Hand, and Tongue, and Pen was employ'd, is far above all the Titles of Honour that mine can give.

Hanc tu, Rex Potentissime, laudem, hanc lauream, absit ut tibi præripi pariaris ; cuiquam alii servatam velis ; Non sanguine, non vitâ, non carioribus cæteris redemptam malis. At tu Jehova Deus, cujus res, cujus gloria hic propriè agitur ; cujus absque ope, frustra sint vota, suspiria, molimina nostra ; evigila, exurge, robur indue, Justitiam, ut Loricam. Voca servum tuum per nomen suum, prehende dexteram Uncti tui, ambula ante Faciem ejus ; Complacentur valles, subsidant Montes, consternantur Fluvii, pateant Januæ, conterantur vestes, contremiscant Populi, Corruat Jericho illa in Spiritu Oris tui in conspectu ejus. Ego sexagenario licet jam Major, lateri tunc ipsius hæream indivulsus ; inter angusta, inter Aspera Alpium senectam exuam ; inter Principia Prælium misceam ; inter Triumphos præcinente Angelo Cecidit illud congeminem ; Sanctæ huic lætitiæ totus immergar, æternæ contiguus immoriar raptus

But this was an Enterprize suited to the Warlike Genius of *Du Plessis*, Great Master *Henry the Fourth*, and not to the peaceable spirit of *K. James*. Besides the King in his Answer of the 20th of *October 1611*, (after he had excused his long silence, and very much commended this Author in the design of his Book, and as freely call'd the Pope Antichrist, and *Rome Babylon*) conceives that neither the Scriptures, nor Doctrine, or Example of the Primitive Church, would sufficiently justify an Offensive War undertaken purely for Religion ; could he in Prudence expect any success in such an attempt.

leave, to write, a just, and perfect Volume of Philosophy, which I go on with, though slowly. I send not your Lordship, too much, lest it may glutt you. Now let me tell you, what my Desire is; If your Lordship be so good now, as when you were the good *Dean* of *Westminster*, my request to you is; That not by Pricks, but by Notes, you would mark unto me, whatsoever shall seem unto you, either not current in the Stile; Or harsh to credit, and Opinion; Or inconvenient, for the Person, of the Writer. For no Man, can be Judge, and Party: And when our Minds judge, by Reflexion of our Selves, they are more subject to Error. And though, for the Matter it self, my Judgement, be, in some things, fixed, and not Accessible by any Man's Judgement, that goeth not my way; yet even in those Things, the Admonition of a Friend, may make me, express my Self, diversly. I would have come to your Lordship, but that I am hastening to my House, in the Country. And so I commend your Lordship to God's Goodness.

XXXI.

To Sir Tho. Bodley, after he had imparted to him, a Writing, Entituled, *Cogitata & Visa*.

S I R,

I N respect of my Going down to my House, in the Country, I shall have miss of my *Papers*, which I pray you therefore to return unto me. You are, I bear you witness, Slothful, and you help me nothing; So as I am half in-conceit, that you affect not the Argument: For my Self, I know well, you love, and affect. I can say no more to you, But, *Non canimus Surdis, respondent omnia*

omnia Sylva. If you be not of the Lodgings, chaulked up, (whereof I speak in my Preface,) I am but to pass by your Door. But if I had you, but a Fortnight, at *Gorhambury*, I would make you tell me another Tale; or else, I would add a Cogitation, against *Libraries*, and be revenged on you that way. I pray, send me some good News, of Sir *Tho. Smith*: And commend me very kindly to him. So I rest.

XXXII.

To Mr. Mathew, upon sending to him a part of
Instauratio Magna.

Mr. Mathew,

I Plainly perceive by your affectionate Writing, touching my Work, that one and the same Thing, affecteth us both; which is, the good End, to which it is dedicate. For as to any Ability of mine, it cannot merit, that Degree, of Approbation. For your Caution for Church-Men, and Church-Matters; As for any Impediment, it might be, to the Applause, and Celebrity, of my Work; It moveth me not; But as it may hinder the Fruit, and Good, which may come, of a quiet, and calm passage, to the good Port, to which it is bound, I hold it a just respect; So as to fetch a fair Wind, I go not too far about. But the Troth is, that I, at all, have no occasion, to meet them, in my way; Except it be, as they will needs confederate themselves, with *Aristotle*, who, you know, is intemperately magnified, by the *School-Men*; And is also allied, as I take it, to the *Jesuits*, by *Faber*, who was a Companion of *Loyola*, and a great *Aristotelian*. I send you, at this time, the onely part, which hath any

Harshness ; And yet, I framed to my Self, an Opinion, that whosoever allowed well, of that Preface, which you so much commend, will not dislike, or at least ought not to dislike, this other Speech of Preparation : For it is written, out of the same Spirit, and out of the same Necessity : Nay, it doth more fully lay open, that the *Question* between *me*, and the *Antients*, is not, of the Vertue of the Race, but of the Rightness of the Way. And to speak truth, it is to the other, but as *Palma* to *Pugnus*, part of the same Thing more large. You conceive aright, that in this, and the other, you have Commission, to impart, and communicate them, to others, According to your Discretion. Other Matters I write not of. My self, am like the Miller of *Grancester*, that was wont to pray, for Peace, amongst the Willows ; For while the Winds blew, the Wind-mills wrought, and the Water-mill, was less customed. So I see, that Controversies of Religion, must hinder the Advancement of Sciences. Let me conclude, with my perpetual Wish, towards your Self ; That the Approbation of your Self, by your own discreet, and temperate carriage may restore *you* to your *Country* and your *Friends* to your *Society*. And so I commend you to God's Goodness.

Grays-Inn, Octob.
10. 1609.

XXXIII.

To Mr. Mathew.

S I R,

I Thank you for your last, and pray you to believe, that your Liberty in giving opinion of those Writings which I sent you, is that which I sought, which I expected, and which I take in exceeding good part ;
so

so good, as that it makes me recontinue, or rather continue my hearty wishes of your Company here, that so you might use the same liberty concerning my actions, which now you exercise, concerning my Writings. For that of *Queen Elizabeth* your Judgment of the temper, and truth of that part, which concerns some of her Foreign proceedings, concurs fully with the Judgment of others, to whom I have communicated part of it; and as things go, I suppose they are more likely to be more and more justified, and allowed. And whereas you say, for some other part, that it moves and opens a fair occasion, and broad way, into some field of Contradiction; On the other side, it is written to me from the *Leiger* at *Paris*, and some others also that it carries a manifest impression of truth with it, and it even convinces, as it goes. These are their very words; which I write not for mine own Glory, but to shew what variety of Opinion rises from the disposition of several Readers. And I must confess my desire to be, that my *Writings* should not Court the present time, or some few places in such sorts as might make them either less General to Persons, or less permanent in future Ages. As to the *Instauration*, your so full approbation thereof, I read with much Comfort, by how much more my *heart* is upon it; and by how much less I expected consent, and concurrence, in matter so obscure. Of this I can assure you, that though many things of great hope, decay with Youth, (and multitude of Civil Businesses, is wont to diminish the Price, though not the delight of Contemplations) yet the proceeding in that *Work* doth gain with me upon my Affection, and desire, both by Years, and Businesses. And therefore, I hope, even by this, that it is well pleasing to God, from whom, and to whom, all good moves. To him I most heartily commend you.

J. J. C. C. C.

XXXIV.

To Mr. Mathew.

Mr. Mathew,

I Heartily thank you, for your *Letter*, of the 10th of *February*; And am glad, to receive, from you, Matter, both of Encouragement, and of Advertisement, touching my *Writings*. For my part, I do wish, that since there is, no *Lumenficum*, in the World, But all *Madidum*, and *Maceratum*, infused in Affections, and Bloods or Humours, (a) that these Things of mine, had those Separations, that might make them more acceptable: So that they claim not, so much Acquaintance, of the present times, as they be thereby, the less apt to last. And to shew you, that I have some Purpose, to new-mould them; I send you, a Leaf, or two, of the Preface, carrying some Figure of the whole *Work*. Wherein, I purpose, to take that, which I count real, and effectual,* of both *Writings*; And chiefly, to add a Pledge, (if not Payment,) to my Promises, I send you also, a *Memorial*, of *Queen Elizabeth*; To requite your *Elogy*, of the late *Duke of Florence's* Felicity (b). Of this, when you were here, I shewed you some Model; At

(a) In this place our Author alludes to one of the Dark sayings of *Heraclitus*, That *Dry Light is ever the best*, which in another place he thus expounds. Certainly the Light that a Man receiveth by *Counsel* from another is Drier and Purer than that which cometh from his own *Understanding* and *Judgment*, which is ever infused and drenched in his *Affections*.

(b) This Duke of Florence was named *Ferdinand* of the House of *Medici*; whose Memory Sir Henry *Wotton* has Celebrated in a particular Letter Printed in his *Remains*, and presented to King *Charles* the First, and *Piascius* the Bishop of *Premista* in *Poland*, begins his Chronicle of the year 1609, with an account of his death; and sums up his Character in these words: *Princeps animo excelso, & omnibus Politicis artibus in tantum instructus, ut in multis seculis vix æqualem habuerit.*

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what time, methought, you were more willing, to hear *Julius Cæsar*, than *Queen Elizabeth*, commended. But this, which I send, is more full, and hath more of the Narrative. And further, hath one part, that, I think, will not be disagreeable, either to you, or that Place; Being the true Tract, of her Proceedings, towards the *Catholiques*, which are infinitely mistaken. And though I do not imagin, they will pass allowance there, yet they will gain upon Excuse. I find Mr. *Le. Zure*, to use you well, (I mean his Tongue of you,) which shews you, either honest, or wise. But this I speak merrily. For in good faith, I do conceive hope, that you will so govern your Self, as we may take you as assuredly for a good *Subject*, and *Patriot*, as you take your Self for a good *Christian*; And so we may again enjoy your Company, and you your Conscience, if it may no other ways be. For my part, assure your Self, (as we say in the Law,) *mutatis mutandis*, my love, and good wishes to you, are not diminished. And so I remain.

XXXV.

To Mr. Mathew, upon sending his Book, De
Sapientia Veterum.

Mr. Mathew,

I Do very heartily thank you, for your Letter of the 24th of *August*, from *Salamanca*; And in recompence thereof, I send you, a little Work of mine, that hath begun, to pass the World. They tell me, my Latin is turn'd into Silver, and become current: Had you been here, you should have been my Inquisitor, before it came forth. But I think, the greatest Inquisitor in

in *Spain*, will allow it. But one thing, you must pardon me, if I make no haste to believe, That the World should be grown to such an Ecstasy, as to reject Truth in *Philosophy*, because the Author dissenteth in *Religion*: No more than they do, by *Aristotle* or *Averroes*. My great *Work* goeth forward, ; And after my manner, I alter ever, when I add. So that nothing is finished, till all be finished. This I have written, in the midst of a Term, and Parliament ; thinking no time so possessed, but that I should talk of these Matters, with so good and dear a Friend. And so with my wonted Wishes I leave you to God's goodness.

From *Grays Inn*
Feb. 27. 1610.

XXXVI.

To the KING.

It may please your most Excellent Majesty.

I Do understand by some of my good Friends, to my great Comfort, that your Majesty, hath in mind, your Majesties Royal Promise, (which to me is *Anchora Spei*,) touching the *Attorney's* Place. I hope, Mr. *Attorney* shall do well. I thank God, I wish no Man's Death ; Nor much mine own Life, more than to do your Majesty Service. For I account my Life the Accident, and my Duty the Substance. But this, I will be bold to say. If it please God, that ever I serve your Majesty, in the *Attorney's* place, I have known an *Attorney Cooke*, and an *Attorney Hobert* ; Both worthy Men, and far above my Self : But if I should not find, a Middle way, between their two Dispositions, and Carriages, I should not satisfy my Self. But these things are far, or near, as it shall please God.

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Mean while, I most humbly pray your Majesty, to accept my Sacrifice of Thanksgiving, for your Gracious Favour. God preserve your Majesty. I ever remain.

XXXVII.

'To the KING..

It may please your Majesty.

YOur great, and Princely, Favours towards me, in Advancing me to Place; And that, which is to me, of no less comfort, your Majesties benign, and gracious Acceptation, from time to time, of my poor Services, much above the Merit, and Value of them; Hath, almost, brought me to an Opinion, that I may sooner (perchance,) be wanting, to my Self, in not asking; Than find your Majesties Goodness wanting to me, in any my reasonable, and modest desires. And therefore, perceiving, how at this time, Preferments of *Law* fly about mine Ears; to some above me, and to some below me; I did conceive, your Majesty may think it, rather a Kind of Dulness, or want of Faith, than Modesty, if I should not come, with my *Pitcher* to *Jacob's Well*, as others do. Wherein I shall propound to your Majesty, that which tendeth, not so much, to the Raising of my Fortune, as to the settling of my Mind; Being sometimes assailed with this Cogitation; That by reason of my Slowness, to see, and apprehend suddain Occasions; keeping on one plain Course of painful Service; I may, (*in fine dierum*,) be in danger, to be neglected, and forgotten. And if that should be, then were it much better for me, now while I stand in your Majesties good Opinion, (though unworthy,) and have some little Reputation, in the World, to give over the Course I am in, and to make proof, to do you

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some Honour, by my *Pen*, either by writing, some faithful *Narrative*, of your Happy, (though not untraduced,) Times; or by recompiling your *Laws*, (which, I perceive, your Majesty laboureth with; And hath in your Head, as *Jupiter* had *Pallas*;) Or some other the like Work: (For without some Endeavour to do you Honour, I would not live;) Than to spend my Wits, and Time, in this laborious place, wherein I now serve; If it shall be deprived, of those outward Ornaments, which it was wont to have, in respect of an Assured Succession, to some Place, of more Dignity, and Rest: Which seemeth now, to be an Hope, altogether Casual, if not wholly intercepted. Wherefore, (not to hold your Majesty long,) my humble Sute, to you, is that, than the which, I think, I cannot well go lower; which is, that I may obtain, your Royal Promise, to succeed, (if I live,) into the *Attorney's* Place, whensoever it shall be void: It being, but the Natural, and Immediate Step, and Rise, which the Place, I now hold, hath ever, (in sort) made claim to, and almost never failed of. In this Sute, I make no Friends to your Majesty, but rely upon no other Motive, but your Grace; nor any other Assurance, but your Word; whereof I had good Experience, when I came to the *Sollicitor's* Place; That it was like, to the Two great Lights, which in their Motions, are never Retrograde. So with my best Prayers, for your Majesties Happiness, I rest:

XXXVIII.

To the Earl of Salisbury Lord Treasurer.

It may please your Good Lordship,

I would intreat the *New Year* to answer for the *Old*, in my humble Thanks to your Lordship; both for many your Favours, and chiefly upon the Occasion of Mr. *Attorney's* Infirmary; I found your Lordship even as I could wish. This doth increase a Desire in me, to expresse my thankful Mind to your Lordship: Hoping that though I find Age and Decays grow upon me, yet I may have a Flash or two of Spirit, left to do you Service, And I do protest before God without Complement, or any light Vanity of Mind; That if I knew in what Course of Life to do you best Service, I would take it, and make my Thoughts which now fly to many Pieces, to be reduced to that Center. But all this is no more but that I am; which is not much: But yet the entire of him, that is &c.

XXXIX.

To my Lord Mayor.

My very good Lord,

I Did little expect, when I left your Lordship last, that there would have been, a Proceeding against Mr. *Barnard*, to his Overthrow. Wherein I must confess my Self, to be, in a sort, Accessary: Because, he relying upon me, for Counsel, I advised that Course, which he followed. Wherein now I begin, to question my self, whether in preserving my Respects, unto

your Lordship, and the Rest, I have not failed, in the Duty, of my Profession, towards my Client. For certainly, if the words had been hainous, and spoken in a malicious fashion, and in some publick place, and well proved; And not a Prattle, in a Tavern, caught hold of by one, who, (as I hear) is a detected Sycophant (*Standish* I mean;) yet I know not, what could have been done more, than to impose upon him, a grievous Fine; And to require, the levying of the same; And to take away his means of Life, by his Disfranchisement; And to commit him, to a Defamed Prison, during Christmas; In Honour whereof, the Prisoners, in other Courts, do, commonly, of grace, obtain some Enlargement. This Rigor of Proceeding, (to tell your Lordship, and the rest, as my good Friends, my Opinion, plainly,) tendeth not to strengthen Authority, which is best supported, by *Love*, and *Fear* intermixed; But rather, to make People discontented, and Servile; especially, when such Punishment is inflicted, for words, not by Rule of *Law*, but by a *Jurisdiction* of *Discretion*, which would evermore, be moderately used. And I pray God, whereas Mr. *Recorder*, when I was with you, did well, and wisely, put you in mind, of the Admonitions, you often received from my *Lords*, that you should bridle unruly Tongues; That those kind of Speeches, and Rumours, whereunto those Admonitions do refer, which are concerning the *State*, and Honour thereof, do not pass too licentiously, in the *City* unpunished; while these Words, which concern your particular, are so straightly enquired into, and punished with such Extremity. But these Things, your own wisdom, (first or last,) will best represent unto you. My writing unto you at this time is, to the end, that howsoever I do take it somewhat unkindly, that my Mediation prevailed no more; yet that

that I might preserve, that further Respect, that I am willing to use, unto such a State, in delivering my Opinion, unto you, freely, before I would be of Counsel, or move any thing, that should cross your Proceedings; which, notwithstanding, (in case, my Client, can receive no Relief, at your hands,) I must, and will do. Continuing, nevertheless, in other Things, my wonted good Affection, to your Selves, and your Occasions.

XL.

To Sir Vincent Skinner.

Sir Vincent Skinner.

I See that by your needless delays, this matter is grown to a new Question; wherein for the matter it self, if it had been stayd at the beginning by my Lord Treasurer, and Mr. Chancellour, I should not so much have stood upon it. For the great and daily Travels which I take in his Majesties Service, either are rewarded in themselves, in that they are but my Duty, or else may deserve a much greater Matter. Neither can I think amiss of any Man that in furtherance of the King's Benefit moved the Doubt that knew not what Warrant I had. But my Wrong is, That you, having had my Lord Treasurer's and Mr. Chancellor's Warrant for Payment above a month since; You, I say, (making your Payments belike, upon such Differences, as are better known to your self, than agreeable to the Respect of his Majesty's Service;) have delayed all this time otherwise than I might have expected from our ancient Acquaintance, or from that Regard which one in your Place may owe to one in mine. By Occasion whereof there ensueth to me a greater Inconvenience;

ence ; that now my Name, in sort, must be in Question among you, as if I were a Man likely to demand that which were unreasonable ; or be denied that which is Reasonable : And this must be, because you can pleasure Men at Pleasure. But this I leave with this : That it is the first Matter wherein I had Occasion to discern of your Friendship, which I see to fall to this ; That whereas Mr. *Chancellor*, the last time, in my Man's hearing, very honourably said, That he would not discontent any Man in my Place ; it seems you have no such Caution. But my Writing to you now, is to know of you where now the *stay* is, without being any more beholding to you, to whom, indeed, no Man ought to be beholden in those Cases in a right Course. And so I bid you Farewel. 24 Dec. 1607.

Fra. Bacon.

XLI.

To Sir Henry Saville. (a)

S I R,

Coming back from your Invitation at *Eton*, where I had refreshed my self with Company, which I loved ; I fell into a Consideration, of that part, of *Policy*, whereof *Philosophy* speaketh too much, and

(a) So much might be said to the Honour of Sir Henry Saville, and yet so little need to be said, by reason of the great Name he hath acquired through his Noble Edition of St. *Chrysostom* and his other learned Works ; That I shall only tell the Reader, that he was many years Warden of *Merton College* in Oxford, (in which University he Founded a Geometry and Astronomy Lecture) and Provost of *Eton*, both noted Seminaries of Learning. To this Gentleman, as of all the most proper, Sir Fra. Bacon sends this Discourse touching *Helps for the Intellectual Powers in Youth*, which may be found in the *Resuscitatio* p. 225. but it being purposely left an imperfect Essay to imitate others ; He places this useful Subject, among the Deficients reckon'd up in his *Advancement of Learning*.

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Laws too little; And that is, of *Education* of *Youth*. Whereupon, fixing my mind, a while, I found straight-ways, and noted, even in the Discourses of Philosophers, which are so large in this Argument, a strange Silence, concerning one principal part of that Subject. For as touching the Framing, and Seasoning of *Youth*, to *Moral Vertues*; (as Tolerance of Labours, Continency from Pleasures, Obedience, Honor, and the like;) They handle it; But touching the Improvement, and helping, of the *Intellectual Powers*; as of Conceit, Memory, and Judgement, they say Nothing; Whether it were, that they thought it to be a Matter, wherein Nature only prevailed; or that they intended it, as referred, to the several and proper *Arts*, which teach, the use, of *Reason*, and *Speech*. But for the Former of these two reasons, howsoever, it pleaseth them, to distinguish, of *Habits*, and *Powers*; the Experience is manifest enough, that the Motions, and Faculties, of the Wit, and Memory, may be not only Governed, and Guided, but also Confirmed, and Enlarged, by Customs, and Exercise dayly applyed: As if a Man Exercise Shooting, he shall not only shoot nearer the Mark, but also draw a stronger Bow. And as for the latter, of Comprehending these Precepts, within the *Arts*, of *Logick*, and *Rhetorick*; if it be rightly considered, their Office is distinct, altogether, from this point; For it is no part, of the Doctrine, of the use, or Handling of an Instrument, to teach how to whet or grind the Instrument to give it a sharp edge; Or how to quench it, or otherwise, whereby to give it a stronger Temper. Wherefore, finding this part of Knowledge, not broken, I have, but *tanquam aliud agens*, entred into it, and salute you with it; *Dedicating* it, after the *Antient* manner, first as to a *dear Friend*; And then as to an *Apt person*; for as much, as you have,
 Both

† This Saying of the Poet Pindar, That Water is the Best, became a kind of a Proverb, in estimating, that common things of daily use are really more valuable, than rare things which are preferred before them.

both place, to practise it, and Judgment, and Leisure, to look deeper into it, than I have done. Herein you must call to mind, † "Αἰεὶ οὐ μὲν ἴσθης. Though the Argument be not of great height, and Dignity, Nevertheless, it is of great and universal Use. And yet I do not see, why, to consider it rightly; That should not be a Learning of height, which teacheth to raise, the highest, and worthiest, part of the Mind. But howsoever that be, if the World take any *light* and *use* by this Writing, I will, the Gratulation be, to the Good Friendship, and Acquaintance, between us two. And so recommend you, to God's Divine protection.

XLII.

To the KING.

It may please your Excellent Majesty,

IT grieveth me exceedingly, that your Majesty should be so much troubled, with this Matter of *Peacham*; whose *Raging Devil*, seemeth to be turn'd into a *Dumb Devil*. But although, we are driven, to make our way, through Questions, (which I wish were otherwise,) yet I hope well, the End will be good. But then, every Man, must put too, his Helping Hand; For else, I must say to your Majesty, in this, and the like Cases, as *St. Paul* said, to the *Centurion*, when some of the Mariners, had an Eye to the Cock-boat; *Except these stay in the Ship, ye cannot be safe*. I find, in my Lords, great, and worthy, Care, of the Business. And for my part, I hold my Opinion, and

and am strengthened in it, by some *Records*, that I have found. God preserve your *Majesty*.

Your Majesty's, most humble, and devoted
January 21. 1614. *Subject, and Servant.*

Fra. Bacon.

XLIII.

To the KING.

It may please your Excellent Majesty,

THIS Day, in the Afternoon, was read, your Majesty's Letters, of Direction, touching *Peacham*; which because it concerneth properly the Duty of my Place, I thought it fit, for me, to give your Majesty, both a speedy, and a private, Account thereof; That your Majesty knowing Things clearly, how they pass, may have the true Fruit, of your own Wisdom, and clear-Seeing Judgment, in Governing the Business.

First, for the Regularity, which your Majesty, (as a Master in Business of Estate,) doth prudently prescribe, in Examining, and taking Examinations, I subscribe to it; Only, I will say for my Self; that I was not, at this time, the Principal Examiner.

For the Course, your Majesty directeth, and commandeth, for the feeling of the *Judges* of the *Kings Bench*, their several Opinions, by distributing our Selves, and enjoining Secrecy; we did first, find an Encounter, in the Opinion, of my *Lord Cooke*; who seemed to affirm, that such particular, and, (as he call'd it,) *Auricular* taking of Opinions, was not according to the Custom of this Realm; And seemed to divine, that his Brethren, would never do it. But

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when I replied, that it was our Duty, to pursue your Majesty's Directions ; And it were not amiss, for his Lordship, to leave his Brethren, to their own Answers ; It was so concluded ; and his Lordship, did desire, that I mought confer with Himself ; And Mr. Serjeant *Mountague*, was named, to speak with Justice *Crook* ; Mr. Serjeant *Crew*, with Justice *Houghton* ; and Mr. *Solicitor*, with Justice *Dodderidge*. This done, I took my Fellows aside, and advised, that they should presently speak with the 3 Judges, before I could speak with my *Lord Coke*, for doubt of *Infusion* ; And that they should not, in any case, make any doubt to the Judges, as if they mistrusted, they would not deliver any Opinion apart, but speak resolutely to them, and only make their Coming to be, to know, what time they would appoint, to be attended with the Papers. This sorted not amiss ; for Mr. *Solicitor*, came to me, this Evening, and related to me, that he had found Judge *Dodderidge*, very ready, to give Opinion, in secret ; (a) And fell upon the same *Reason*, which upon your Majesty's first Letter, I had used to my *Lord Coke*, at the *Council Table* ; which was, *that every Judge, was bound, expressly, by his Oath, to give your Majesty Counsel, when he was called* ; And whether he should do it, joyntly, or severally, that rested, in your Majesty's good pleasure, as you would require it. And though the Ordinary Course, was to assemble them, yet there

(a) Sir *John Dodderidge* was born in *Devonshire*, bred in *Exeter College* in *Oxford*, and the middle *Temple London* : And having acquired the reputation of being a very great Common and Civil Lawyer, as well as a general Scholar ; He was made Serjeant at Law 1. *Jacobi*, then the King's *Solicitor*, and after that the King's *Serjeant*, till he was advanced to be one of the Judges of the King's *Bench*, where he sat many years, dying on the 13th of *September* 1628. in the 73. year of his Age. He was succeeded by Sir *George Crook*, who tells us, Sir *John Dodderidge* was a Man of great knowledge as well in the Common Law, as in other Sciences and Divinity.

mought intervene Cafes, wherein the other Courfe was more convenient. The like Answer made *Justice Crook*, (b) *Justice Houghton*, who is a foft Man, (c) seem-

(b) Sir *John Crook*, eldest Son of Sir *John Crook* of *Chilton* in *Buckinghamshire*, inherited his Father's Virtues and Fortunes, and was very famous for his Wildom, Eloquence, and Knowledge in our Laws. And being *Speaker* of the *House of Commons* in the last Parliament of *Queen Eliz.* she gave him this Commendation at the end thereof. *That he had proceeded therein with such Wisdom and Discretion, that none before him had deserved better.* After he had been *Recorder* of *London* and *Serjeant at Law*, he was *s. Jacobi* made one of the *Justices* of the *King's Bench*, where he continued till his death, which happened on the 23. of *January* 1619. He was Brother to Sir *George Crook* so well known to the Professors of the common Laws by his 3 large Volumes of Reports. Which Sir *George* being made one of the Judges of the *Court of Common Pleas*, in the latter end of the Reign of *K. James*, was in a few years removed into the *King's Bench*: Where he fate till the Year 1641. When by reason of his great Age and Infirmities, the King at his own request gave him a gracious Discharge, as appears in the Preface to one of his Books, where a due Character is given of his Virtues by his Son in *Law* Sir *Harbottle Grimston* late Master of the Rolls. But certainly nothing can raise in us a more lively Idea of his Merit, than part of a Letter written to the *Duke of Buckingham*, by the *Bishop of Lincoln* Lord Keeper of the great Seal, and which I copyed from his own Hand.

May it please your Grace,

Westminster Coll. Feb. 11. 1624.

I will not trouble your Grace with any long Congratulation, for the Honour your Grace hath gained, in the preferring of this most worthy Man Sir *George Crook* to a Judge his Place. I know you must meet with the Applause of this Act from every Man that cometh from hence. In good Faith, I never observed in all my small Experience any Accident in this kind, so generally and universally accompanied with the Acclamation of all kind of People.

I am importuned by the rest of the Judges of the *Common Pleas*, to return their most humble and hearty Thanks to the King's Majesty for his Choice, and to assure his Majesty: That though his Majesty hath been extraordinary Fortunate (above all his Predecessors) in the continual Election of most Worthy Judges; yet hath his Majesty never placed upon any Bench, a Man of more Integrity and Sufficiency than this Gentleman. For which Act they do with Tears in their Eyes praise and blefs him.

(c) This Expression of a foft Man, ought to be understood in a Favourable sense, since Sir *Geo. Croke* gives a more than ordinary Character of him. *Mem.* That in *Hilary Term*, 21. Jac. Sir *Robbert Houghton* died at *Serjeants Inn* in *Chancery Lane*, being a most reverend, prudent, learned and temperate Judge, and inferiour to none of his Time.

ed desirous, first, to confer; Alleging, that the other 3 Judges, had all served the Crown, before they were Judges, but that he had not been much acquainted, with Business, of this Nature.

We purpose therefore, forthwith, they shall be made acquainted with the *Papers*; And if that could be done, as suddainly, as this was, I should make small doubt of their Opinions: And howsoever, I hope, Force of Law, and President, will bind them to the Truth: Neither am I wholly out of hope, that my *Lord Coke* himself, when I have, in some dark manner, put him in doubt, that he shall be left alone, will not continue singular.

For *Owen*, I know not the reason, why there should have been no mention made thereof, in the last Advertisement; For I must say for my Self, that I have lost no moment of Time in it, as my *Lord of Canterbury* can bear me witness. For having received, from my Lord, an *Additional*, of great Importance; which was, that *Owen*, of his own Accord, after Examination, should compare the Case of your Majesty, (if you were *Excommunicate*,) to the Case, of a Prisoner, condemned at the Barr; which *Additional* was subscribed by one Witness; but yet I perceived it was spoken aloud, and in the Hearing of others; I presently sent down a Copy thereof, which is now come up, attested with the Hands of 3 more, lest there should have been, any Scruple, of * *Singularis Testis*; so as for this Case, I may say, † *Omnia parata*; And we expect, but a Direction, from your Majesty, for the Acquainting the Judges severally: Or the 4 Judges, of the *Kings Bench*, as your Majesty shall think good.

* A single
Witness.
† All
things are
in readi-
ness.

I forget not, nor forswear not, your Majesty's Commandment, touching *Recusants*; Of which, when it is ripe, I will give your Majesty a true Account, and what is possible to be done, and where the Impediment is

is. Mr. Secretary, bringeth * *Bonam Voluntatem*, but he is not versed much, in these things; And sometimes urgeth the Conclusion; without the Premises, and by haste hindreth. It is my *Lord Treasurer*, and the *Exchequer*, must help it, if it be holpen. I have heard more ways than one, of an offer of 20000 *l. per Annum*, for farming, the Penalties of *Recusants*, not including any Offence Capital, or of *Premunire*; wherein I will presume to say, that my poor Endeavours, since I was, by your great, and sole grace, your *Attorney*, have been no small Spurs, to make them feel your *Laws*, and seek this *Redemption*; Wherein, I must also say, my *Lord Coke* hath done his part; And I do assure your Majesty, I know it, somewhat inwardly, and groundedly, that by the Courses we have taken, they conform daily, and in great Numbers; And I would to God, it were as well a *Conversion*, as a *Conformity*; But if it should die by Dispensation, or Dissimulation, then I fear, that whereas your Majesty, hath now, so many ill Subjects, poor, and detected, you shall then have them, rich and dissembled. And therefore, I hold this offer, very considerable, of so great an Increase, of *Revenue*; If it can pass, the *fiery Trial*, of *Religion*, and *Honour*; which I wish, all *Projects* may pass.

Thus, in as much, as I have made to your Majesty, somewhat a naked, and particular Account, of Business, I hope your Majesty, will use it accordingly. God preserve your *Majesty*.

Jan. 27.
1614.

Your Majesty's, most humble, and devoted
Subject, and Servant.

Fra. Bacon.

XLIV.

XLIV.

To the KING.

*It may please your Excellent Majesty.*Mr. Oliver
St. John.

BEcause I know your Majesty, would be glad, to hear, how it is, with my Lord Chancellor; And that it pleased him, out of his antient and great Love, to me; which, many times, in Sickness, appeareth most; To admit me, to a great deal of Speech, with him, this afternoon: which, during these three days, he hath scarcely done to any; I thought it mought be pleasing to your Majesty, to certify you, how I found him. I found him in Bed, but his Spirits fresh, and good, speaking stoutly, and without being spent, or weary; And both willing, and Beginning of himself, to speak, but wholly of your Majesty's Business. Wherein I cannot forget, to relate, this particular; That he wished, that his Sentencing of O. S. at the day appointed, mought be his last Work, to conclude his Services, and express his Affection, towards your Majesty. I told him, I knew your Majesty, would be very desirous, of his Presence, that day, So it mought be, without prejudice; But otherwise, your Majesty, esteemed a *Servant*, more than a *Service*; especially such a *Servant*. Not to trouble your Majesty; Though good Spirits, in Sickness, be uncertain *Kalenders*, yet I have very good Comfort of him, and I hope by that day, &c.

January 29.
1614.

XLV.

XLV.

*To the KING.**It may please your Excellent Majesty,*

I Received, this Morning, by Mr. *Murray*, a Message from your Majesty, of some warrant, and confidence, that I should advertise your Majesty of your Business, wherein I had part. Wherein, I am first humbly, to thank your Majesty, of your good acceptation of my Endeavours, and Service; which I am not able to furnish with any other Quality, save Faith, and Diligence.

For *Peacham's* Case, I have, since my last Letter, been with my Lord *Coke* twice; Once before Mr. *Secretaries* going down, to your Majesty; And once since, which was yesterday: At the former of which times, I delivered him *Peacham's Papers*; And at this Latter, the *Presidents*, which I had with care gathered, and selected: For these Degrees and order, the Business required.

At the former, I told him, that he knew my Errand, which stood upon two Points: The one to inform him of the particular Case, of *Peacham's Treasons*; (For I never give it, other word, to him;) The other, to receive his Opinion to my Self, and in secret, according to my Commission from your Majesty.

At the former time, he fell upon the same Allegation, which he had begun, at the *Council Table*; that Judges were not to give Opinion by Fractions, but entirely, according to the Vote, whereupon they should settle, upon Conference: And that this *Auricular* Taking of Opinions, single and apart, was new and dangerous;

gerous ; And other words more vehement than I repeat.

I replied, in civil and plain Terms ; That I wisht his Lordship, in my love to him, to think better of it ; For that this that his Lordship was pleased to put into great Words, seemed to me and my Fellows, when we spake of it, amongst our selves, a reasonable, and familiar Matter, For a King to consult with his Judges, either assembled, or selected ; or one, by one. And then, to give him a little Out-let, to save his first Opinion, (wherewith he is most commonly in love,) I added, that Judges, sometimes, might make a Sute, to be spared, for their Opinion, till they had spoken with their Brethren ; But, if the King, upon his own Princely Judgement, for Reason of *Estate*, should think it fit, to have it otherwise, and should so demand it, there was no declining : Nay, that it touched, upon a Violation, of their Oath, which was, to counsel the King, without Distinction, whether it were joyntly or severally. Thereupon, I put him the Case, of the *Privy Council* ; As if your Majesty, should be pleased to command any of them, to deliver their Opinion, apart and in private ; whether it were a good Answer, to deny it, otherwise, than if it were propounded at the Table. To this he said, That the Cases were not alike, because this concern'd Life. To which I replied, That Questions of *Estate*, mought concern Thousands of Lives ; and many Things more precious, than the Life, of a particular ; As *War*, and *Peace*, and the like.

* Being
uneasie
with the
Business.

To conclude, his Lordship, * *Tanquam Exitum querens*, desired me, for the time, to leave with him, the *Papers*, without pressing him, to consent to deliver a private Opinion, till he had perused them. I said, I would ; And the more willingly, because I thought his

his Lordship, upon due consideration of the *Papers*, would find the Case, to be so clear a Case of Treason, as he would make no difficulty, to deliver his Opinion in private; And so I was perswaded, of the rest, of the Judges of the *Kings-Bench*; who likewise, (as I partly understood,) made no Scruple to deliver their Opinion in private. Whereunto he said, (which I noted well,) That his Brethren were wise Men; And that they might make a shew, as if they would give an Opinion, as was required; But the end would be, that it would come to this: They would say, they doubted of it, and so pray advice with the rest. But to this I answered, that I was sorry to hear him say so much, lest, if it came so to pass, some that loved him not, might make a Construction, that, that which he had foretold, he had wrought. Thus your Majesty sees, that as *Solomon* saith, † *Gressus nolentis tanquam in Sepi spinarum*, It catcheth upon every Thing.

† The way of the Slothful or unwilling Person is a Hedge of Thorns.

The latter Meeting, is yet of more Importance; For then, coming armed with divers Presidents, I thought to set in, with the best strength I could, and said; That before I descended, to the Record, I would break the Case, to him thus. That it was true, we were to proceed, upon the antient *Statute* of King *Edward* the Third, because other Temporary *Statutes* were gone; And therefore, it must be said in the *Indictment*; * *Imaginatus est, & Compassavit Mortem, & finalem Destructionem Domini Regis*: Then must the particular *Treasons* follow in this manner; viz. † *Et quod, ad perimplen-*

* He imagined and compassed the Death and Destruction

of our Lord the King. † And that for the fulfilling of his wicked purpose, he composed a detestable and pernicious Libel or Writing, in which among other Treasonable Positions, it is thus contained, &c.

dum nefandum Propositum suum, composuit & conscripsit quendam detestabilem, & venenosum libellum, sive scriptum, in quo inter alia proditoria, continetur, &c. And then the principal passages of *Treason*, taken forth of the *Papers*,

|| To the end that the Kings Leige People, and true Subjects should withdraw their Cordial Love from, and desert his Majesty, and Levy War against him, &c.

are to be entred in *hæc Verba*; And with a Conclusion in the End; || *Ad Intentionem, quod Ligeus Populus, & Veri Subditi Domini Regis, cordialem suum amorem, à Domino Rege retraherent, & ipsum Dominum Regem relinquerent, & Guerram,*

& Insurrectionem, contra eum, levarent, & facerent, &c.

I have, in this form, followed the antient Stile of the *Indictments*, for brevity sake, though when we come to the Business it self, we shall enlarge it, according to the use of the latter times. This I represented to him, (being a thing he is well acquainted with,) that he might perceive, the Platform of that was intended, without any Mistaking, or Obscurity. But then I fell to the matter it self, to lock him in, as much as I could, *viz.*

That there be four Means or manners, whereby the *Death* of the *King* is compassed, and imagined.

The first, by some particular *Fact*, or *Plot*.

The second, by *Disabling* his *Title*; As by affirming, that he is not *lawful King*; Or that another ought to be *King*; Or that he is an *Usurper*; Or a *Bastard*; Or the like.

The third, by *Subjecting* his *Title*, to the *Pope*; and thereby Making him, of an *Absolute King*, a *Conditional King*.

The fourth, by *Disabling* his *Regiment*, and making him appear, to be incapable, or indign, to reign.

These things, I relate to your Majesty in summ, as is fit; which when, I opened to my *Lord*, I did insist

sist a little more upon, with more efficacy and edge, and Authority of Law and Record, than I can now express.

Then I placed *Peacham's Treason*, within the last Division, agreeable to divers Presidents, whereof I had the *Records* ready ; And concluded, that your Majesty's Safety and Life, and Authority, was thus by Law insconfed and quartered ; And that it was in vain, to fortifie on Three of the sides, and so leave you open on the Fourth.

It is true, he heard me in a grave fashion, more than accustomed, and took a Pen, and took notes of my Divisions ; And when he read the *Presidents* and *Records*, would say, This you mean falleth within your first, or your second, Division. In the end, I expressly demanded his Opinion, as that, whereto both he, and I was enjoined. But he desired me to leave the *Presidents*, with him, that he might advise upon them. I told him, the rest of my Fellows, would dispatch their part, and I should be behind with mine ; which I perswaded my Self, your Majesty would impute, rather to his Backwardness, than my Negligence. He said, as soon as I should understand, that the rest were ready, he would not be long after, with his Opinion.

For Mr. *St. John*, your Majesty knoweth, the day draweth on ; And my Lord *Chancellor's* Recovery, the Season and his Age, promising not to be too hasty. I spake with him on Sunday, at what time I found him in Bed, but his Spirits strong, and not spent, or wearied ; And spake wholly of your Business, leading me from one Matter to another. And wished, and seemed to hope, that he might attend the day, for O. S. and it were, (as he said,) to be his last work to conclude his Services, and express his Affection, towards your Majesty. I presumed to say to him, that I knew your Majesty would be exceeding desirous of his being present

that day, so as that it mought be, without prejudice, to his continuance; But that, otherwise, your Majesty esteemed a *Servant*, more than a *Service*; especially such a *Servant*. Surely, in mine Opinion, your Majesty were better put off the day, than want his presence, considering the Cause of the putting off, is so notorious; And then the *Capital*, and the *Criminal* may come together, the next *Term*.

I have not been unprofitable, in helping to discover and examine, within these few days, a late *Patent*, by Surreption obtained from your Majesty, of the greatest *Forest* in *England*, worth 30000 *l.* under Colour of a Defective Title, for a matter of 400 *l.* The Person must be named, because the *Patent* must be questioned. It is a great Person, my Lord of *Shrewsbury*; Or rather, (as I think,) a greater than he, which is my Lady of * *Shrewsbury*. But I humbly pray your Majesty, to know this first, from my Lord *Treasurer*; who, methinks, groweth even studious in your Business. God preserve your Majesty.

Jan. 31. 1614.

*Your Majesty's most humble and devoted,
Subject and Servant,*

*The rather, in regard of Mr. Murray's
Absence, I humbly pray your Majesty,
to have a little regard, to this Letter.*

Fr. Bacon.

* That my Lady of *Shrewsbury* was a Woman of Intreague, and as *Camden* says in his *Annals* of King *James*, *Rebus turbandis nata*; will appear from her Conduct relating to the King's and her Kinswoman, the Lady *Arabella*: For having been the Great Instrument of her Marriage with Sir *William Seymour*, afterwards Earl and Marquess of *Hartford*, and of procuring her Escape from the *Tower*; She was convened before the Privy Council, and for refusing to give any Answer in a matter which so nearly concerned the *State*; She was Fined in the *Star-Chamber*; and the Charge which was then given in against her is Printed in the *Cabala*, p. 340. and was I doubt not made by Sir *Francis Bacon*. But as if this was not a sufficient warning, she afterwards reported that the Lady *Arabella* left a Child by her Husband, for which and her repeated Obstinacy, she incurred a greater Censure in the same Court.

XLVI.

To the KING.

It may please your Excellent Majesty,

MY Lord Chancellor sent for me, to speak with me this Morning, about Eight of the Clock. I perceive, he hath now that *Signum Sanitatis*, as to feel better his former weakness. For it is true, I did a little mistrust, that it was but a *Boutade* of Desire, and good Spirit, when he promised himself, strength for *Friday*, though I was won and carried with it. But now, I find him, well inclined, to use (should I say) your Liberty, or rather your Interdict, signified by Mr. *Secretary*, from your Majesty. His Lordship shewed me also your own *Letter*, whereof he had told me before, but had not shewed it me. What shall I say? I do much admire your Goodness, for writing such a *Letter*, at such a time.

He had sent also to my Lord *Treasurer*, to desire him to come to him about that time. His Lordship came; And, not to trouble your Majesty, with circumstances, both their *Lordships* concluded, my Self present and concurring; That it could be no prejudice, to your Majesty's Service, to put off the day, for Mr. *St. John* till the next Term. The rather, because there are Seven, of your *Privy Council*, which are at least, *Numerus* and part of the Court, which are by Infirmary, like to be absent; That is, my Lord Chancellor, my Lord Admiral, my Lord of *Shrewsbury*, my Lord of *Exceter*, my Lord *Zouch*, my Lord *Stanhope*, and Mr. *Chancellor* of the *Dutchy*; wherefore they agreed, to hold a Council,

Letters and Memoires.

cil, too morrow, in the Afternoon, for that purpose.

It is true, that I was always of Opinion, that it was no time lost; And I do think so the rather, because I could be content, that the Matter of *Peacham* were first settled, and put to a Point. For there be, perchance, that would make the Example upon Mr. *St. John* to stand for all. For *Peacham*, I expect some account from my Fellows this day. If it should fall out otherwise, then I hope, it may not be left so. Your Majesty, in your last Letter, very wisely put in a Disjunctive, that the *Judges* should deliver an Opinion, privately, either to my Lord *Chancellor*, or to our Selves, distributed: His Sicknes, made the later way to be taken: But the other may be reserved, with some Accommodating, when we see the success of the Former.

I am appointed, this day, to attend my Lord *Treasurer*, for a Proposition of Raising Profit and Revenue, by *Infranchising Copyholders*. I am right glad to see the *Patrimonial* part of your Revenue, well look'd into, as well as the *Fiscal*. And I hope it will so be, in other parts, as well as this. God preserve your Majesty.

Febr. 7. 1614.

*Your Majesty's most humble and devoted
Subject, and Servant.*

Fr. Bacon.

XLVII.

To the KING.

It may please your Excellent Majesty,

MY Self, with the rest of your Council Learned, conferred with my Lord Coke, and the rest of the Judges of the Kings-Bench onely, being met at my Lord's Chamber, concerning the Business of Owen. For although it be true, that your Majesty, in your Letter, did mention that the same Course, might be held, in the Taking of Opinions apart in this, which was prescribed, and used in Peacham's Cause; yet both my Lords of the Council, and we amongst our Selves, holding it, in a Case so clear, not needful; But rather that it would import, a diffidence in us, and deprive us of the means, to debate it with the Judges, (if cause were) more strongly, (which is somewhat,) we thought best, rather to use this Form.

The Judges desired us to leave the Examinations and Papers, with them for some little time, to consider, (which is a thing they use;) But, I conceive, there will be no manner of Question, made of it. My Lord Chief Justice to shew forwardness (as I interpret it,) shewed us passages of Suarez, and others, thereby to prove, that though your Majesty, stood not Excommunicate, by particular Sentence, yet by the General Bulls of Cæna Domini, and others, you were, upon the matter, Excommunicate; And therefore, that the Treason was as *De præsent*. But I, that foresee, that if that Course should be held, when it cometh to a publick day, to disseminate to the Vulgar an Opinion, that your Majesty's Case is all one, as if you were *de Facto*, particularly

larly and exprefly, *Excommunicate*; it would but increafe the danger of your Perfon, with thofe that are Desperate Papifts; And that it is needlefs; Commended my Lord's Diligence, but withall put it by; And fell upon the other Courfe, (which is the true way;) That is, that whofoever fhall affirm, *in Diem*, or *sub Conditione*, that your Majesty, may be destroyed, is a *Traitor, de præfenti*; For that, he maketh you but Tenant for Life, at the will of another. And I put, the Duke of Buckingham's Cafe, who faid, That if the King caufed him to be arrefted of Treafon, he would ftab him; And the Cafe of the Impofturefs, Elizabeth Barton, that faid, That if King Henry the Eighth took not his Wife again, Katharine Dowager, he fhould be no longer King; And the like.

It may be thefe particulars, are not worth the Relating. But becaufe I find nothing in the World, fo important to your Service, as to have you thoroughly informed, (the Ability of your Direction confidered,) it maketh me thus to do; Moft humbly praying your Majesty to admonifh me, if I be over-troublesome.

For *Peacham*, the reft of my Fellows are ready, to make their *Report*, to your Majesty, at fuch time, and in fuch manner, as your Majesty fhall require it. My Self yefterday took my Lord Coke afide, after the reft were gone, and told him, all the reft were ready, and I was now to require his Lordfhip's Opinion, according to my Commiffion. He faid, I fhould have it; And repeated that twice, or thrice, as thinking he had gone too far, in that kind of Negative, (to deliver any Opinion apart,) before; And faid, he would tell it me within a very fhort time, though he were not that inftant ready. I have toffed this Bufinefs in *omnes partes*,
whereof

Of Sir FRANCIS BACON. 73

whereof I will give your Majesty knowledge, when time serveth. God preserve your *Majesty*.

Febr. 11. 1614.

*Your Majesty's most humble and devoted
Subject, and Servant,*

Fr. Bacon.

XLVIII.

To the KING.

It may please your Excellent Majesty,

I Send your Majesty Enclosed, my *Lord Coke's Answers*: I will not call them *Rescripts*; much less *Oracles*. They are of his own hand, and offered to me, as they are, in writing, though I am glad of it for mine own Discharge. I thought it my Duty, as soon as I received them, instantly to send them to your Majesty; And forbear, for the present, to speak further of them. I, for my part, (though this *Muscovia Weather* be a little too hard, for my *Constitution*;) was ready to have waited upon your Majesty this day, all respects set aside; But my Lord *Treasurer*, in respect of the season, and much other Business, was willing to save me. I will onely conclude touching these Papers, with a *Text*, Divided, I cannot say; * *Oportet isthæc fieri*; But I may say, † *Finis autem nondum*. God prelerve your *Majesty*.

* These things ought to be done.
† But the end is not yet.

14 Febr. 1614.

*Your Majesty's most humble and devoted
Subject, and Servant,*

Fr. Bacon.

L

XLIX.

XLIX.

To the KING.

It may please your Majesty,

I May remember what *Tacitus* saith, by occasion that *Tiberius* was often, and long absent from *Rome*; *In Urbe, & parva, & Magna Negotia, Imperatorem simul premunt*: But saith he, *In recessu, dimissis rebus minoris momenti, summæ rerum magnarum magis agitantur*. This maketh me think it shall be no Incivility, to trouble your Majesty with Business, during your abode from *London*; Knowing, that your Majesty's Meditations, are the principal wheel of your Estate; And being warranted, from a former Commandement, which I received from you.

* In Rome both small and great Affairs do at the same time press upon the Emperor: In the Country, things of less moment give place, that the weighty Matters of State may be chiefly debated.

I do now onely send your Majesty, these *Papers* Enclosed; because I do greatly desire, so far forth to preserve my credit with you, as thus, That whereas lately, (perhaps, out of too much Desire which induceth too much belief,) I was bold to say, that I thought it as easie for your Majesty, to come out of Want, as to go forth of your Gallery; your Majesty would not take me for a Dreamer, or a Projector; I send your Majesty therefore, some Grounds of my Hopes. And for that *Paper*, which I have gathered of *Increasments sperate*, I beseech you, to give me leave to think, that if any of the Particulars do fail, it will be rather, for want of Workmanship in those that shall deal in them, than want of Materials in the Things themselves. The other

Paper

Of Sir FRANCIS BACON.

75

Paper, hath many Discarding Cards; and I send it chiefly, that your Majesty may be the less surprized by *Projectures*; who pretend sometimes great Discoveries; and Inventions in Things, that have been propounded, and perhaps, after a better fashion, long since. God Almighty preserve your *Majesty*.

25 Apr. 1615.

*Your Majesty's most humble and devoted
Subject, and Servant,*

Fr. Bacon.

L.

To the KING.

It may please Your Excellent Majesty.

MR. *St. John* his Day is past, and well past. I hold it to be *Janus Bisrons*; It hath a good Aspect, to that which is past, and to the Future: And doth both satisfy and prepare. All did well: My *Lord Chief Justice*, delivered the Law for the *Benevolence*, strongly; I would he had done it, timely. Mr. *Chancellor* of the *Exchequer* (a) spake finely, somewhat after the manner of my late * *Lord Privy Seal*; Not all out so sharply, but as elegantly. Sir *Thomas Lake*, (who is also new in that *Court*,) did very well, familiarly and Counsellor-

* The late
Earl of
Northamp-
ton.

(a) The *Chancellor* of the *Exchequer* here meant was Sir *Fulke Greville* who being early initiated into the Court of Queen *Elizabeth*, became a Polite and Fine Gentleman; and in the 18th. of King *James* was Created Lord *Brooke*. He erected a Noble Monument for himself, on the North-side of *Warwick Church* (which hath escaped the late Desolation) with this well known Inscription, *Fulke Greville, Servant to Queen Elizabeth, Councillor to King James, and Friend to Sir Philip Sidney*. Nor is he less remembred by the Monument he has left in his Writings and Poems, chiefly Composed in his Youth, and in Familiar Exercise with the Gentleman I have before mentioned.

L 2

like

* Printed
in the Re-
fuscitat.
pag. 60.

like (b). My Lord of *Pembroke*, (who is likewise a stranger there,) did extraordinary well, and became himself well, and had an evident Applause (c). I meant well also; And because my *Information* was the Ground; having spoken out of a few Heads, which I had gathered, (For I seldom do more,) I set down, as soon as I came home, cursorily, * a Frame of that I had said; Though I perswade my self, I spake it with more life. I have sent it to Mr. *Murray* sealed; If your Majesty have so much idle time, to look upon it, it may give some light of the Days Work: But I most humbly

(b) Sir *Thomas Lake* was about this time made one of the Principal Secretaries of State, as he had been formerly Latin-Secretary to Queen *Elizabeth*, and before that time bred under Sir *Francis Walsingham*. But in the year 1618 falling into the King's displeasure, and being engaged in the Quarrels of his Wife and Daughter the Lady *Roos*, with the Countess of *Exeter*; He was at first suspended from the Execution of his Place, and afterwards removed, and deeply Censured and Fined in the *Star-Chamber*; although it is laid the King then gave him in open Court this publick Elogy, *That he was a Minister of State fit to serve the greatest Prince in Europe*. Whilst this Storm was hanging over his head, he writ many Letters to the King, and Marquis of *Buckingham*, which I have seen, complaining of his misfortune, that his ruin was likely to proceed from the assistance he gave to his nearest Relations.

(c) *William* Earl of *Pembroke*, Son to *Henry Herbert* Earl of *Pembroke* Lord President of the Council in the *Marches of Wales*, by *Mary* his Wife, a Lady in whom the Muses and Graces seem'd to meet; whose very Letters in the Judgement of one whosaw many of them, declared her to be Mistress of a Pen, not inferior to that of her Brother's, the Admirable Sir *Philip Sidney*, and to whom he addressed his *Arcadia*. Nor did this Gentleman degenerate from their Wit and Spirit, as his own Poems, his great Patronage of Learned Men, and resolute opposition to the *Spanish Match*, did among other instances fully prove. In the year 1616 he was made Lord Chamberlain, and chosen Chancellor of the University of *Oxford*. He died suddenly on the 10th of *April* 1630, having just compleated fifty years: But his onely Son deceasing a Child before him, his Estate and Honours descended upon his younger Brother *Philip* Earl of *Montgomery*, the Lineal Ancestor of the present Noble and Learned Lord President of his Majesty's most Honourable Privy Council.

pray

Of Sir FRANCIS BACON. 77

pray your Majesty to pardon the Errors. God preserve you ever.

April 29. 1615.

Your Majesty's most humble Subject,
and devoted Servant,

Fr. Bacon.

LI.

To the KING.

It may please your most excellent Majesty,

YOUR Majesty shall shortly receive the *Bill*, for the *Incorporation* of the *New Company*; together with a *Bill* for the *Privy Seal*, being a *Dependency* thereof. For this Morning, I subscribed, and docketted them both. I think it therefore now time to represent to your Majesty's high Wisdom, that which I conceive, and have had long in my mind, concerning your Majesty's Service, and honourable Profit in this Business.

This *Project*, which hath proceeded from a worthy Service, of the *Lord Treasurer*, I have, from the beginning, constantly affected; As may well appear, by my fundry Labours, from time to time, in the same. For I hold it a worthy Character, of your Majesty's Reign and Times; Inſomuch, as though your Majesty might have at this time, (as is spoken) a great Annual Benefit for the quitting of it; yet I shall never be the Man that should wish your Majesty, to deprive your Self of that Beatitude; † *Beatius est dare, quam accipere*; In this Cause: But to sacrifice your Profit, (though as your Majesty's State is, it be precious to you,) to so great a Good of your Kingdom: Although this *Project*, is not without a Profit, immediate unto you,

† It is more blessed to give than to receive.

you, by the encreasing of *Customs*, upon the Materials of *Dyes*.

* Necessary
Evils.

But here is the Case. The *New Company* by this *Patent*, and *Privy Seal*, are to have two Things, wholly diverse, from the first Intention; or rather, *Ex Diametro*, opposite unto the same; which nevertheless, they must, of necessity have, or else the *Work* is overthrown. So as I may call them * *Mala Necessaria*, but yet withal *Temporary*. For, as Men make War, to have Peace; so these *Merchants*, must have licence for *whites*, to the end, to banish *whites*; And they must have licence to use *Teyntours*, to the end to banish *Teyntours*.

This is therefore that I say; your Majesty upon these two points, may justly, and with honour, and with preservation of your first Intention inviolate; demand Profit in the Interim, as long as these unnatural Points continue, and then to cease. For your Majesty may be pleased to observe, that they are to have all the *Old Company's* Profit, by the Trade of *Whites*; they are again to have, upon the proportion of *Cloths*, which they shall vent died, and dressed, the *Flemmings* Profit upon the *Teyntour*. Now then I say; As it had been too good Husbandry for a *King*, to have taken profit of them, if the Project could have been effected at once, (as was voiced;) So on the other side it might be perchance, too little Husbandry, and Providence, to take nothing of them, for that which is meerly lucrative to them in the mean time. Nay, I say further, this will greatly conduce, and be a kind of Security to the End desired. For I always feared, and do yet fear, that when Men, by condition *Merchants*, though never so honest, have gotten into their Hands, the Trade of *Whites*, and the *Dispensation* to *Teyntour*; wherein they shall reap profit, for that

which they never sowed ; But have gotten themselves Certainities, in respect of the States hopes ; they are like enough to sleep upon this, as upon a Pillow ; And to make no haste, to go on with the rest. And though it may be said, that that is a thing, will easily appear to the State, yet (no doubt) means may be devised, and found, to draw the Business in length. So that I conclude, that if your Majesty, take a profit of them, in the *Interim*, (considering you refuse profit, from the *Old Company*,) it will be both *Spur* and *Bridle*, to them, to make them *Pace* aright, to your Majesty's End.

This in all humbleness, according to my vowed Care and Fidelity, being no Mans Man, but your Majesty's, I present, leave, and submit, to your Majesty's better Judgment ; And I could wish, your Majesty would speak, with Sir *Thomas Lake* in it ; who, besides his good Habit which he hath in Business, beareth, (methinks,) an indifferent Hand in this particular ; And (if it please your Majesty,) it may proceed, as from your Self, and not as a Motion, or Observation of mine.

Your Majesty need not, in this, to be streightned in time ; As if this must be demanded, or treated, before you sign their *Bill*. For I, foreseeing this, and foreseeing that many things mought fall out, which I could not foresee ; have handled it so, as with their good Contentment, there is a *Power of Revocation*, inserted into their *Patent*. And so commending your Majesty, to God's blessed and precious Custody ; I rest,

August 12.
1615

Your Majesty's most humble, and
devoted Subject, and Sgruant,

Fr. Bacon.

LII.

LII.

To Sir George Villiers.

S I R,

SENDING to the King upon Occasion, I would not fail, to salute you by my Letter; which, that it may be more than two lines, I add this for News: That as I was sitting, by my Lord *Chief Justice*, upon the Commission, for the Indicting of the *Great Person*; One of the *Judges* asked Him, whether *Roper* were dead? He said, He, for his part, knew not; Another of the *Judges* answered; It should concern you, my *Lord*, to know it. Whereupon he turned his Speech to me, and said; No, Mr. *Attorney*, I will not wrestle, now in my latter times. My *Lord*, said I, you, speak like a wise Man. Well, saith he, they have had no luck with it, that have had it. I said again, Those days be past. Here you have the Dialogue to make you merry. But in sadness, I was glad to perceive he meant not to contest: I can but honour, and love you, and rest,

January 22.
1615.

Your assured Friend and
Servant,

Fr. Bacon.

LIII.

LIII.

To the KING.

It may please your Excellent Majesty,

I Spake, yesterday, long, with my Lord Coke; And for the *Rege inconsulto*, I conceive by him, it will be, *An amplius deliberandum censeo*, (as I thought at first,) so as, for the present, your Majesty shall not need to renew your Commandment of Stay. I spake with him also, about some Propositions, concerning your Majesty's casual Revenue; wherein, I found him to consent with me fully; Assuming, nevertheless, that he had thought of them before; But it is one Thing to have the *Vapour* of a Thought; Another, to *digest* Business aright. He, on his part, imparted to me divers Things, of great weight; concerning the Reparation of your Majesty's Means, and *Finances*, which I heard gladly; Inasmuch, as he perceiving the same, I think, was the readier, to open himself to me, in one Circumstance, which he did much inculcate. I concur fully with him, that they are to be held secret: For I never saw, but that *Business*, is like a Child, which is framed invisibly in the Womb, And if it come forth too soon, it will be abortive. I know, in most of them, the Prosecution must rest much upon my Self. But I, that had the Power to prevail, in the *Farmer's Case* of the *French Wines*, without the help of my Lord Coke, shall be better able to go through these with his help, the Ground being no less just. And this I shall ever add of mine own, that I shall ever respect your Majesty's *Honour*, no less than your *Profit*; And shall also take care, according to my

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persive manner, that that, which is good for the *present*, have not in it, *hidden Seeds of future Inconveniences*.

The Matter of the *New Company*, was referred to me, by the *Lords of the Privy Council*; wherein, after some private Speech with Sir *Lionel Cranfield*, I made that Report, which I held most agreeable to Truth, and your Majesty's Service. If this *New Company* break, it must either be put upon the *Patent*, or upon the *Order*, made by themselves. For the *Patent*, I satisfied the Board, that there was no Tittle in it, which was not, either *Verbatim*, in the *Patent* of the *Old Company*; Or by special Warrant from the *Table*, inserted. My *Lord Coke*, with much respect to me, acknowledged, but disliked the *Old Patent* in it self, and disclaimed his being at the *Table*, when the *Additions* were allowed. But, in my Opinion, (howsoever my *Lord Coke*, to magnify his Science in *Law*, draweth every thing, though sometimes improperly, and unseasonably, to that kind of Question;) it is not convenient, to break the *Business*, upon those Points. For considering, they were but *Clauses* that were in the former *Patents*, and in many other *Patents* of *Companies*; And that the *Additions*, likewise, passed the Allowance of the *Table*, it will be but clamoured, and perhaps, conceived, that to quarrel them now, is but an *Occasion* taken; And that the *Times* are changed, rather than the *Matter*. But that which preserveth entire your Majesty's Honour, and the Constancy of your Proceedings, is to put the *Breach* upon their *Orders*.

For this Light I gave in my *Report*, which the *Table* readily apprehended, and much approved; That if the *Table* reject their *Orders*, as unlawful, and unjust, it doth free you from their *Contract*: For
who

whosoever contracteth, or undertaketh any thing, is always understood, to perform it by lawful means; So as, they have plainly abused the *State*, if that which they have undertaken, be either impossible, or unjust.

I am bold to present this Consideration, to that excellent *Faculty*, of your Majesty's *Judgement*; because, I think it importeth that future Good, which may grow to your Majesty in the close of this Business; That the Falling off be without all Exception. God have you in his precious Custody.

Febr. 3. 1615.

*Your Majesty's most humble and bounden,
Subject, and Servant,*

Fr. Bacon.

LIV.

To the KING.

It may please your most Excellent Majesty,

I Am glad to understand, by Mr. *Murray*, that your Majesty accepteth well of my poor Endeavours, in opening unto you the passages of your Service; That, *Business* may come the less crude, and the more prepared to your Royal Judgment; the perfection whereof, as I cannot expect, they should satisfy in every particular; so I hope, through my Assiduity, there will result a good *Total*.

My Lord Chancellor's Sickness, falleth out, *duro Tempore*. I have always known him, a wise Man, and of just Elevation for Monarchy; But your Majesty's Service must not be mortal. And if you lose him,

Letters and Memoires

as your Majesty hath, now of late, purchased many Hearts by depressing the *Wicked*: So God, doth minister unto you, a Counterpart, to do the like, by raising the *Honest*. God evermore preserve your Majesty.

February 9.
1615.

*Your Majesty's most humble Subject,
and bounden Servant,*

Fr. Bacon.

LV.

To the KING.

It may please your Most Excellent Majesty,

YOUR worthy Chancellor I fear, goeth his last day. God hath hitherto used to weed out such Servants, as grew not fit for your Majesty; but now he hath gathered to himself a true *Sage*, or *Salvia*, out of your Garden: But your Majesty's Service must not be mortal.

Upon this heavy Accident, I pray your Majesty, in all Humbleness and Sincerity, to give me leave to use a few words. I must never forget, when I moved your Majesty for the *Attorney's* Place; that it was your own sole Act; more than that my Lord of *Somerset*, when he knew your Majesty had resolved it, thrust himself into the Business, to gain Thanks: And therefore I have no Reason to pray to *Saints*.

I shall now again make Oblation to your Majesty, First of my *Heart*; then of my *Service*; Thirdly of my Place of *Attorney* (which I think is honestly worth 6000 *l. per Annum*;) And Fourthly of my Place in the *Star-chamber*, which is worth 1600 *l. per Annum*; and

and with the Favour and Countenance of a *Chancellor*, much more. I hope I may be acquitted of Presumption, if I think of it, both because my Father had the Place, which is some civil Inducement to my Desire; (And I pray God your Majesty may have *Twenty* no worse Years in your Greatness, than Queen *Elizabeth* had in her Model, after my Father's placing;) and chiefly, because the Chancellor's Place after it went to the Law, was ever conferred upon some of the Learned Council; and never upon a Judge. For *Audeley* was raised from King's *Serjeant*; my Father from *Attorney* of the *Wards*; *Bromley* from *Solicitor*; *Puckering* from Queen's *Serjeant*; *Egerton* from *Master* of the *Rolles*, having newly left the *Attorney's* Place. Now I beseech your Majesty let me put you the present Case, truly. If you take my *Lord Coke*, this will follow; *first*, your Majesty shall put an over-ruling *Nature* into an over-ruling *Place*, which may breed an Extream: *Next*, you shall blunt his *Industries* in *Matter of Finances*, which seemeth to aim at another Place: And *lastly*, popular Men are no sure Mounters for your Majesty's Saddle. If you take my *Lord Hobart*; you shall have a Judge at the upper-end of your *Council-Board*, and another at the lower end: Whereby your Majesty will find your *Prerogative* pent. For though there should be *Emulation* between them, yet as *Legists* they will agree, in magnifying that wherein they are best; he is no Statesman but an *Oeconomist*, wholly for himself. So as your Majesty (more than an outward Form) will find little help in him, for the Business. If you take my *Lord of Canterbury*, I will say no more, but the *Chancellor's* Place requires a whole Man. And to have both *Jurisdictions*, *Spiritual* and *Temporal*, in that height is fit but for a King.

For

For my Self, I can only present your Majesty with *Gloria in Obsequio* (a): Yet I dare promise, that if I sit in that Place, your Business shall not make such short turns upon you, as it doth; but when a Direction is once given, it shall be pursued and performed; and your Majesty shall only be troubled with the true Care of a King, which is, *to think what you would have done in Chief, and not how for the passages.*

* The Hinge upon which the Affairs of the Nation turn.

I do presume also, in respect of my Father's Memory, and that I have been always Gracious in the *lower House*, I have Interest in the Gentlemen of *England*, and shall be able to do some good Effect, in rectifying that Body of Parliament-men, which is * *Cardo rerum*. For let me tell your Majesty, That that part of the *Chancellors's* Place which is to judge in *Equity*, between party and party, that same *Regnum Judiciale* (which since my Father's time is but too much enlarged,) concerneth your Majesty least, more than the acquitting of your Conscience for Justice. But it is the other parts of a *Moderator*, amongst your *Council*, of an Overseer over your *Judges*, of a *Planter* of fit *Justices* and *Governors* in the Country, that importeth your Affairs, and these times most.

(a) This Expression of *Gloria in Obsequio* is taken from the 6th Book of the *Annals* of *Tacitus*. Where, some Persons being accused for their Intimacy with *Sejanus*, the late great Favourite of the Emperor *Tiberius*; *M. Terentius* a Roman Knight, did not, like others excuse or deny the same for fear of Punishment; but does in the *Senate* make an ingenuous Confession thereof, and gives his Reasons why he not only courted, but rejoiced in obtaining the Friendship of *Sejanus*. And then Addresses himself, as if speaking to *Tiberius* in these Words. *Non est nostrum aestimare, quem supra ceteros, & quibus de causis extollas: Tibi summum rerum judicium Dii dedere; Nobis Obsequii gloria relicta est.* 'It does not become us to enquire into the Person you are pleased to prefer above others, or into the Reasons: To you, Heaven hath given a consummate Judgement; To us, there remains the Glory of a cheerful Obedience.

I will add also, that I hope by my Care, the *inventive* part of your *Council* will be strengthened; who now commonly do exercise rather their Judgments, than their Inventions; And the Inventive part cometh from Projectors and private Men, which cannot be so well: In which Kind, my Lord of *Salisbury* had a good Method, if his Ends had been upright.

To conclude, If I were the Man I would be, I should hope, That as your Majesty hath of late won Hearts by *depressing*; you should in this lose no Hearts by *advancing*: For I see your People can better skill of *Concretum* than *Abstractum*, and that the Waves of their Affections flow, rather after Persons, than Things. So that Acts of this Nature, (if this were one) do more good than twenty Bills of *Grace*. If God call my Lord *Chancellor* the Warrants and Commissions which are requisite for the taking off the *Seal*, and for the working with it, and for reviving of Warrants under his hand, which die with him, and the like, shall be in readiness. And in this, Time presseth more, because it is the end of a *Term*, and almost the beginning of the *Circuits*: So that the *Seal* cannot stand still. But this may be done, as heretofore by Commission, till your Majesty hath resolved of an Officer. God ever preserve your Majesty.

Febr. 12.
1615

Your Majesty's most humble Subject,
and bounden Servant,

Fr. Bacon.

LVI.

LVI.

A Letter to the King, of my Lord Chancellor's Amendment, and the Difference begun, between the Chancery, and Kings-Bench.

It may please your Excellent Majesty,

I Do find, God be thanked, a sensible Amendment, in my Lord Chancellor. I was with him yesterday in private conference, about half an Hour : And this day again, at such time as he did seal, which he endured well, almost the space of an Hour, though the Vapour of Wax, be offensive to him. He is free from a Fever, perfect in his powers, of *Memory* and *Speech* ; And not hollow, in his Voice, nor Look ; He hath no panting, or labouring Respiration ; Neither are his Coughs dry, or weak. But whosoever thinketh, his Disease is but Melancholy, he maketh no true Judgement of it ; For it is, plainly, a formed and deep Cough, with a Pectoral surcharge ; So that, at times, he doth almost, *Animam agere*. I forbear to advertise your Majesty, of the Care I took to have Commissions in readiness, because Mr. Secretary Lake hath let me understand, he signified as much to your Majesty : But, I hope, there shall be no use for them, at this time. And, as I am glad to advertise your Majesty, of the Amendment of your Chancellor's Person ; So I am sorry, to accompany it with an Advertisement of the Sickneß of your Chancery Court ; though, (by the Grace of God,) that Cure will be much easier, than the other. It is true, I did lately write to your Majesty, that for the Matter of the *Habeas Corpora*, (which was the third Matter in Law, you had given me in charge ;)

charge;) I did think, the Communion in Service, between my Lord *Chancellor*, and my Lord *Chief Justice*, in the great Business of *Examination*, would so joyn them, as they would not square, at this time; But pardon me, (I humbly pray your Majesty,) if I have too Reasonable Thoughts.

And yet, that which happened, the last day, of the Term, concerning certain *Indictments*, in the Nature of *Premunire*, preferred into the *Kings-Bench*, but not found; Is not so much, as is voiced abroad; (though I must say, it is * *Omni tempore Nimium, & hoc tempore Alienum*;) And therefore, I beseech your Majesty, not to give any Believing Ear, to Reports, but to receive the Truth, from me, that am your *Attorney General*, and ought to stand indifferent, for *Jurisdictions*, of all *Courts*; which Account, I cannot give your Majesty now, because I was then absent; And some are now absent, which are properly, and authentically, to inform me, touching that which passed. Neither let this, any ways, disjoyn, your other Business; For there is a time, for all things; And this very Accident, may be turned, to Good. Not that I am of Opinion, that that same Cunning Maxim, of † *Separa, & Impera*, which sometimes holdeth in Persons, can well take place in *Jurisdictions*; But because, some good Occasion, by this Excess, may be taken, to settle that, which would have been more dangerous, if it had gone out, by little and little. God ever preserve your Majesty.

* Too much at any time but strange at this time.

† Divide and Rule.

15 Febr. 1615.

Your Majesty's most humble Subject,
and most bounden Servant,

Fr. Bacon.

LVII.

To Sir George Villiers.

S I R,

I Received, this Morning, from you, two Letters, by the same Bearer; The one written before, the other, after his Majesty had received my last.

In this *Difference*, between the two Courts, of *Chancery*, and *Kings-Bench*; (For so I had rather take it, for this Time, than between the Persons, of my Lord *Chancellor*, and my Lord *Chief Justice*,) I marvel not, if Rumour get way, of true Relation. For I know *Fame* hath *swift wings*; Specially that, which hath Black Feathers: But within these two days, (for sooner I cannot be ready,) I will write unto his Majesty, both the Narrative truly, and my Opinion sincerely; Taking much comfort, that I serve such a *King*, as hath God's Property, in discerning truly, of Mens Hearts. I purpose, to speak, with my Lord *Chancellor*, this day; And so to exhibit, that Cordial, of his *Majesty's Grace*; As I hope, that other Accident, will rather rouze, and raise his Spirit, than deject him, or incline him to Relapse. Mean while, I commend the Wit, of a mean Man, that said this other day, *Well, the next Term, you shall have an Old Man, come with a Beesom of Wormwood, in his Hand, that will sweep away all this*. For it is, my Lord *Chancellor's* fashion, specially towards the Summer, to carry a Posie of Wormwood. I write this Letter in Haste, to return

return your Messenger with it. God keep you, and long, and happily, may you serve his *Majesty*.

19 Febr. 1615.

Your true and affectionate Servant,

Sir, *I thank you for your Inward Letter; I have burned it, as you commanded. But the Fire it hath kindled in me; will never be extinguished.*

Fr. Bacon.

LVIII.

To Sir George Villiers.

S I R,

MY Lord Chancellor's Health, growing with the Days, and his Resignation, being an Uncertainty, I would be glad, you went on, with my first Motion, my swearing *Privy Counsellor*. This I desire, not so much, to make my Self, more sure of the other; and to put it past Competition; (For herein, I rest wholly upon the King, and your excellent self,) But, because I find hourly, that I need this Strength, in his Majesty's service; Both for my better warrant, and satisfaction of my Conscience, that I deal not in Things, above my Vocation; And for my better Countenance, and Prevailing, where his Majesty's service, is, under any pretext, opposed, I would it were dispatched. I remember, a greater Matter than this, was dispatched, by a Letter, from *Royston*; which was, the Placing of the *Archbishop*, that now is: And I imagin, the King did it on purpose, that the Act mought appear, to be his own.

My Lord Chancellor told me, yesterday, in plain Terms, that if the King, would ask his opinion, touch-

ing the Person, that he would commend, to succeed him, upon Death, or Disability, he would name me, for the fittest Man. You may advise, whether use, may not be made, of this offer.

I sent, a pretty while since, a Paper, to Mr. *John Murrey*; which was, indeed, a little Remembrance, of some Things past; concerning my honest, and faithful Services to his Majesty; Not by way of Boasting, (from which I am far,) but as Tokens, of my studying his Service, uprightly, and carefully. If you be pleased, to call for the Paper, which is with Mr. *John Murrey*; And to find a fit time, that his Majesty, may cast an eye upon it, I think it will do no Hurt: And I have written to Mr. *Murrey*, to deliver the Paper, if you call for it. *God keep you in all Happiness.*

21 Febr. 1615.

Your truest Servant,

Fr. Bacon.

LIX.

To the KING.

It may please your most Excellent Majesty.

I Was yesterday, in the Afternoon, with my Lord Chancellor, according to your Commandement, which I received by the Master of the Horse; And find the Old Man, well comforted; both towards God, and towards the World, and that same middle Comfort, which is Divine, and Humane, proceeding from your Majesty, being God's Lieutenant, on Earth, I am persuaded, hath been a great Cause, that such a Sickness, hath been portable, to such an Age. I did not fail, in my Conjecture; that this Business, of the Chancery, hath

hath stirred him; He sheweth to despise it, but he is full of it; and almost, like a young Duellist, that findeth himself behind hand.

I will now, as your Majesty requireth, give you a true Relation, of that which hath passed; neither will I decline, your Royal Commandment, for delivering my Opinion also, though it be a tender Subject, to write on; But I, that account my Being, but as an Accident to my service, will neglect no duty upon Self-Safety.

First, it is necessary, I let your Majesty know, the Ground of the *Difference*, between the two Courts; that your Majesty, may the better understand the Narrative.

There was a *Statute* made, 27 *Edw.* 3. Cap. 1. which, (no doubt) in the principal Intention thereof, was ordained, against those, that sued to *Rome*; wherein there are Words, somewhat general, against any, that *questioneth, or impeacheth, any Judgment, given in the King's Courts, or in any other Court.* Upon these doubtful Words (*other Courts,*) the Controversie groweth. For the sounder Interpretation, taketh them, to be meant, of those Courts, which though, locally, they were not held at *Rome*, or where the *Pope's* Chair was, but here within the *Realm*; yet in their Jurisdiction, had their Dependance, upon the Court of *Rome*; As were the Court of the *Legate* here, and the Courts of the *Arch Bishops, and Bishops*, which were then, but subordinate Judgment Seats, to that high Tribunal of *Rome*. And for this Construction, the Opposition of the Words, (if they be well observed) between the *King's Courts* and *other Courts*, maketh very much: For it importeth, as if those *other Courts*, were not the *King's Courts*. Also, the main Scope of the Statute, fortifieth the same: And lastly, the

the Practice of many Ages. The other Interpretation, (which cleaveth to the Letter,) expoundeth the *King's Courts*, to be the *Courts of Law*, only, and other *Courts*, to be *Courts of Equity*, as the *Chancery*, *Exchequer-chamber*, *Dutchy*, &c. Though this also flyeth, indeed, from the Letter, for that all these, are the *King's Courts*.

There is also another *Statute*, which is but a simple Prohibition, and not with a Penalty, of a *Premunire*, (as the other is;) *That after Judgements given in the King's Courts, the parties shall be in Peace, except the Judgement be undone, by Error, or Attaint*, which is a Legal form, of *Reversal*. And of this also, I hold, the Sounder Interpretation to be, to settle Possessions, against Disturbances, and not to take away Remedy, in *Equity*, where those *Judgements*, are obtained, *ex Rigore Juris*, and against good Conscience.

But upon these two *Statutes*, there hath been, a late Conceit in some, that if a Judgement, pass, at the Common Law, against any, that he may not, after sue, for Relief in *Chancery*: And if he doth, both He, and his Counsel, and his Solicitors, yea and the Judge in *Equity* himself, are within the Danger, of those *Statutes*.

Here your Majesty, hath the true state, of the *Question*, which I was necessarily to open to you first, because your Majesty, calleth for this Relation; not as News, but as Business. Now to the *Historical part*.

It is the Course, of the *King's Bench*, that they give in Charge to a *Grand Jury*, Offences of all Natures, to be presented within *Middlesex*, where the said Court is And the manner is, to enumerate them, as it were, in Articles. This was done by *Justice Crook*, the Wednesday, before the Term ended. And that Article, (*If any Man, after a Judgement given, had drawn the*
said

said Judgement, to a new Examination, in any other Court,) was by him, specially, given in Charge; which had not used to be given, in Charge before. It is true, it was not solemnly dwelt upon, but, as it were, thrown in amongst the rest.

The last day, of the Term; (And that which all Men condemn, the supposed last day, of my *Lord Chancellor's* life;) There were two Indictments preferred, of *Premunire*, for suing in *Chancery*, after Judgment in Common Law; The one by *Rich. Glanville*, the other by *William Allen*: The former against *Courtney*, the party in *Chancery*, *Gibb* the Councillor, and *Deurst* the Clark; The latter, against *Alderman Bowles*, and *Humfry Smith*, parties in *Chancery*; Serjeant *More* the Counsellor, *Elias Wood*, Solicitor in the Cause, and Sir *John Tindal*, Mr. of the *Chancery*, and an Assessor, to my *Lord Chancellor*.

For the Cases themselves, it were too long, to trouble your Majesty, with them; But this I will say; If they were set on, that preferred them, they were the worst Marks-men, that ever were, that set them on. For there could not have been chosen, two such Causes, to the Honour, and Advantage, of the *Chancery*, for the Justness of the Decrees, and the Foulness; and Scandal, both of Fact, and Person, in those that impeach the Decrees.

The *Grand Jury*, consisting, (as it seemeth,) of very Substantial, and Intelligent, Persons, would not find the *Bills*; Notwithstanding, they were clamoured by the parties, and twice sent back, by the Court; And in Conclusion, resolutely, Seventeen of Nineteen, found an *Ignoramus*: Wherein, for that time, I think, *Ignoramus* was wiser, than those that know too much.

Your Majesty will pardon me, if I be sparing, in delivering to you, some other Circumstances, of Ag-
gra-

gravation, and of Concurrences, of some like Matters, the same day ; as if it had been some fatal Constellation. They be not things, so sufficiently tryed, as I dare put them, into your Ear.

For my Opinion, I cannot but begin, with this *Preface* ; That I am infinitely sorry, that your Majesty, is thus put, to salve, and cure, not only Accidents of Time, but Errors of Servants : For I account this, a kind of *Sickness*, of my Lord *Coke's*, that comes, almost, in as ill a time, as the *Sickness* of my Lord *Chancellor*. And as (I think,) it was one of the wisest parts, that ever he played, when he went down, to your Majesty, to *Royston*, and desired, to have my Lord *Chancellor*, joined with him ; So this was one of the weakest parts, that ever he played, to make all the World perceive, that my Lord *Chancellor*, is severed from him, at this time.

But for that, which may concern your Service, which is my End, (leaving other Men to their own Ways ;) First, my Opinion is plainly, that my Lord *Coke*, at this time, is not to be disgraced ; both because, he is so well habituate, for that which remaineth, of these *Capital Causes* ; And also, for that, which I find, is in his Breast, touching your *Finances*, and Matters of Repair, of your *Estate*. And, (if I mought speak it,) as I think, it were good, his hopes were at an end, in some kind, so I could wish, they were raised, in some other.

On the other side, this great, and publick Affront, not only to the Reverend, and well deserving, person, of your *Chancellor* ; (And, at a time, when he was thought, to lye, on Dying, which was barbarous ;) But to your High Court of *Chancery*, which is the Court, of your absolute Power ; may not, (in my Opinion,) pass lightly, nor end, only, in some Formal Atone-

Atonement; But Use is to be made thereof, for the setting of your Authority, and strengthening of your Prerogative, according to the true Rules of *Monarchy*.

Now to reconcile, and accommodate these two Advices, which seem almost opposite. *First*, your Majesty, may not see it, (though I confess it be suspicious,) that my Lord *Coke* was, any way, aforehand, privy to that, which was done; Or that he did set it, or animate it; But only took the Matter, as it came before him; And that his Error was only, that at such a time, he did not divert it, in some good manner.

Secondly, if it be true, (as is reported,) that any of the *Puifne Judges*, did stir this Business; Or that, they did openly revile, and menace the *Jury*, for doing their Conscience; (As they did, honestly, and truly,) I think, that *Judge*, is worthy, to leese his place. And to be plain with your Majesty, I do not think, there is any Thing, a greater *Polychreston*, or *ad multa utile*, to your Affairs, than upon a just, and fit Occasion, to make some Example, against the Presumption, of a *Judge*, in Causes, that concern your Majesty: whereby the whole Body of those Magistrates, may be contained the better in awe; And it may be, this will light, upon no unfit Subject, of a Person, that is Rude, and that no Man cares for.

Thirdly, if there be no one, so much in fault, (which I cannot yet affirm, either way, and there must be a just Ground, God forbid else;) yet I should think, that the very Presumption, of Going so far, in so high a Cause, deserveth to have that done, which was done in this very Case, upon the Indictment of *Serjeant Heale*, in *Queen Elizabeth's* time; that the Judges should answer it, upon their knees, before your Majesty, or your Council, and receive a sharp Admonition: At which time also, my Lord *Wray*, being

then *Chief Justice*, slip the Collar, and was forborn.

Fourthly, for the persons themselves, *Glanville*, and *Allen*, which are base Fellowes, and turbulent, I think, there will be discovered, and proved against them, (besides the preferring of the *Bills*,) such Combinations, and Contemptuous Speeches, and Behaviours; As there will be good Ground, to call them, and perhaps some of their petty Counsellors, at Law, into the *Star Chamber*.

In all this, which I have said, your Majesty, may be pleased to observe, that I do not engage you much, in the main Point of the *Jurisdiction*; for which I have a great deal of Reason; which I now forbear. But two Things, I wish to be done. The one, that your Majesty, take this Occasion, to redouble unto all your Judges, your antient, and true Charge, and Rule, That you will endure, no Innovating, the Point of *Jurisdiction*; but will have every *Court*, empaled, within their own Presidents; And not assume to themselves, new Powers, upon Conceits, and Inventions, of Law: The other, that in these high Causes, that touch upon *State*, and *Monarchy*, your Majesty give them straight Charge; that upon any Occasions intervenient hereafter, they do not make the Vulgar, party to their Contestations, by publick handling them, before they have consulted with your Majesty, to whom the Reiglement, of those things, only appertaineth.

To conclude, I am not without hope, that your Majesty, managing this Business, according to your great Wisdom; (unto which I acknowledge my Self, not to be worthy, to be Card-holder, or a Candle-holder;) will make profit, of this Accident, as a Thing of God's sending.

Lastly, I may not forget, to represent to your Majesty, that there is no Thinking of Arraignments, until these

these Things, be somewhat accommodate ; And some outward, and superficial, Reconciliation, at least, made, between my Lord *Chancellor*, and my Lord *Chief Justice*. For this Accident, is a Banquet, to all the *Delinquents* Friends. But this is a Thing, that falleth out, naturally, of it self ; in respect, of the *Judges* Going Circuit, and my Lord *Chancellor's* Infirmitie, with Hope of Recovery. And although this Protraction of Time, may breed some doubt of Mutability, yet I have lately learned, out of an excellent *Letter*, of a certain King ; *That the Sun sheweth, sometimes, watry, to our Eyes, but when the Cloud is gone, the Sun is as before.* God ever preserve your Majesty.

February 21.
1615.

*Your Majesty's, most humble Subject, and
bounden Servant.*

Fra. Bacon.

LX.

✓
To the KING.

It may please your most Excellent Majesty.

Your Privy Council, have wisely, and truly, discerned, of the Orders, and Demands, of the *New Company*, that they are unlawful and unjust ; And themselves, have now acknowledged, the Work impossible, without them, by their Petition in Writing, now registred, in the Council-Book : So as this Conclusion, (of their own making,) is become peremptory, and final to themselves ; And the Impossibility confessed, the Practice, and Abuse, reserved to the Judgment, the State shall make of it.

O 2

This

This Breach then, of this great Contract, is wholly on their part ; which could not have been, if your Majesty, had broken, upon the *Patent* : For the *Patent*, was your Majesty's Act ; The *Orders*, are their Act ; And in the former Case, they had not been liable, to further Question, now they are.

There rest two Things, to be considered : The *one*, if they, (like *Proteus*, when he is hard held,) shall yet again, vary their shape ; And shall quit their *Orders*, convinced of Injustice, and lay their Imposition only, upon the *Trade* of *Whites*, whether your Majesty, shall further expect ? The *other*, if your Majesty dissolve them, upon this Breach, on their part, what is further to be done, for the setting of the Trade, again, in joynt, and for your own Honour, and Profit ? In both which Points, I will not presume to give Opinion, but onely, to break the Business, for your Majesty's better Judgement.

* To move
every
Stone.

For the *first*, I am sorry, the Occasion was given, (by my Lord *Coke's* Speech, at this time, of the Commitment of some of them ;) That they should seek, * *Omnem movere lapidem*, to help themselves. Better it had been, if (as my Lord *Fenton* said to me, that Morning, very judiciously, and with a great Deal of Foresight ;) That, for that time, they should have had, a Bridge, made for them, to be gone. But my Lord *Coke* floweth, according to his own Tides, and not according to the Tides of Business. The thing, which my Lord *Coke* said, was good, and too little, but, at this time, it was too much. But that is past. Howsoever, if they should go back, and seek again, to entertain your Majesty, with new Orders, or Offers, (as is said to be intended,) your Majesty hath ready, two *Answers*, of *Repulse*, if it please your Majesty to use them.

The

The *one*, that this is now the Fourth time, that they have mainly broken, with your Majesty, and contradicted themselves. First, they undertook, to dye, and dress, all the *Clothes* of the *Realm*; Soon after, they wound themselves, into the Trade, of *Whites*, and came down to the Proportion contracted. Secondly; they ought to have performed that Contract according to their Subscription, *pro ratâ*, without any of these *Orders*, and *Impositions*: Soon after, they deserted their Subscription, and had recourse, to these Devices, of *Orders*. Thirdly, if by *Order*, and not by *Subscription*, yet their *Orders*, should have laid it, upon the *Whites*, which is an Unlawful, and Prohibited, Trade. Nevertheless, they would have brought in, lawful, and settled Trades, full *Manufactures*, *Merchandize* of all Natures, *Poll-Money*, or *Brotherhood-Money*, and I cannot tell what. And now lastly, it seemeth, they would go back, to lay it, upon the *Whites*: And therefore, whether your Majesty, will any more rest, and build this *great Wheel*, of your *Kingdom*, upon these broken, and brittle, Pinns, and try Experiments further, upon the Health, and Body, of your State, I leave to your *Princely Judgment*.

The other *Answer*, of *Repulse*, is a kind of Apposing them, what they will do, after the three years, contracted for? Which is a point, hitherto, not much stirred, though Sir *Lionell Cranfield*, hath ever beaten upon it, in his Speech with me: For after the three years, they are not tyed, otherways, than as Trade shall give Encouragement; of which Encouragement, your Majesty, hath a bitter Taste. And if they should hold on, according to the third years Proportion, and not rise on, by further gradation, your Majesty hath not your End. No, I fear, and have long feared, that this Feeding of the Foreigner, may be dangerous: For as

we.

we may think, to hold up our Cloathing, by Vent of *Whites*, till we can dye, and dress; So they, (I mean the *Dutch*,) will think to hold up, their Manufacture, of Dying, and Dressing, upon our *Whites*, till they can Cloth: So as your Majesty, nath the greatest reason, in the World, to make the *New Company*, to come in, and strengthen that part, of their Contract; And they refusing, (as it is confidently believed they will,) to make their Default, more visible, to all Men.

For the *second* main part, of your Majesty's Consultation: That is, what shall be done, supposing an absolute Breach; I have had some Speech, with Mr. *Secretary Lake*, and likewise with Sir *Lionell Cranfield*; And, (as I conceive,) there may be *three* ways, taken into consideration. The *first* is, that the Old Company be restored, who, (no doubt,) are in Appetite, and (as I find by Sir *Lionell Cranfield*,) not unprepared; And that the *Licences*; The one, that of 30000 Cloathes which was the old Licence; The other, that of my Lord of *Cumberlands*, which is, without stint, (my Lord of *Cumberland* receiving Satisfaction;) be compounded, into one entire Licence, without stint; And then, that they, amongst themselves, take order, for that profit, which hath been offered to your Majesty. This is a plain, and known way, wherein your Majesty, is not an Actor; onely it hath this, that the Work, of Dying, and Dressing, Cloathes, which hath been so much glorified, seemeth to be wholly relinquished, if you leave there. The *second* is, that there be a free Trade, of Cloath, with this Difference; That the Dyed, and Dressed, pay no Custom, and the *Whites Double Custom*, it being a Merchandize prohibited, and onely licentiate. This continueth in life, and fame, the Work desired, and will have a popular Applause. But I do confess, I did ever think, that
Trading

Trading, in *Companies*, is most agreeable to the *English* Nature, which wanteth that same general Vein, of a *Republick*, which runneth in the *Dutch*; And serveth to them, instead of a Company. And therefore, I dare not advise, to adventure, this *great Trade*, of the Kingdom, (which hath been so long, under Government,) in a free, or loose Trade. The *Third* is, a Compounded Way of both, which is; To go on, with the Trade of *Whites*, by the *Old Company* restored; And that your Majesty's Profit be raised, by *Order* amongst Themselves; Rather than by *Double Custom*, wherein you must be the Actor: And that, nevertheless, there be added a Privilege, to the same Company, to carry out Cloathes Dyed, and Dressed, Custom-free; Which will still continue, as a glorious Beam of your Majesty's Royal Design. I hope, and Wish, at least, that this, which I have written, may be of some use, to your Majesty, to settle, by the Advice, of the *Lords* about you, this great Business. At the least, it is the Effect, of my Care, and poor Ability, which, if in me be any, it is given me, to no other end, but faithfully, to serve your Majesty. God ever preserve you.

25 Febr. 1615.

*Your Majesty's most humble Subject,
and bounden Servant,*

Fr. Bacon.

LXI.

To Sir George Villiers.

SIR,

I humbly pray you, not to think me over hasty, or much in Appetite, if I put you in remembrance, of my motion of strengthening me, with the Oath, and
Trust,

Trust, of a *Privy Councillor*; not for mine own strength, (for as to that, I thank God, I am armed within,) but for the strength of my Service. The times, I submit to you, who knoweth them best. But sure I am, there were never times, which did more require, a *King's Attorney*, to be well armed, and (as I said once to you,) to wear a Gauntlet, and not a Glove. The *Arraignments* when they proceed; the *Contention* between the *Chancery* and *King's Bench*; The Great Cause of the *Rege inconsulto*, which is so precious, to the King's Prerogative; Divers other Services, that concern the *King's Revenue*, and the repair of his Estate. Besides, it pleaseth his *Majesty*, to accept well of my relations touching his Business; which may seem a kind of *Interlopeing*, (as the Merchants call it,) for one that is no Councillor. But I leave all unto you, thinking my self infinitely bounden unto you, for your great favours: The beams whereof I see plainly, reflect upon me, even from others: So that now, I have no greater ambition, than this; That, as the *King*, sheweth himself to you, the best *Master*, so I mought be found your best *Servant*. In which Wish and Vow, I shall ever rest,

27 Febr. 1615.

*Most Devoted and Affectionate to
obey your Commands,*

Fr. Bacon.

LXII.

✓ To His Majesty.

It may please your most Excellent Majesty,

A T my last access to your Majesty, it was fit for me to consider the time, and your Journey, which maketh me now trouble your Majesty with a remnant of that I thought then to have said ; Besides, your *Old Warrant*, and Commission to me, to advertise your Majesty, when you are *auxs champs*, of any thing that concern'd your Service, and my Place. I know your Majesty is * *Nunquam minus solus, quam cum solus* ; and I confess in regard of your great Judgment, (unto which nothing ought to be presented, but well weighed,) I could almost wish, that the manner of *Tiberius* were in use again, of whom *Tacitus* saith, † *Mos erat quamvis præsentem scripto adire* ; much more in absence. I said to your Majesty, that which I do now repeat, that the Evidence upon which my Lord of *Somerſet* standeth indicted, is of a good strong thread, considering, impoysoning is the darkest of Offences ; but, that the thread must be well spun, and woven together : For your Majesty knoweth, it is one thing to deal with a *Jury* of *Middlesex* and *Londoners*, and another to deal with the *Peers* ; whose Objects, perhaps, will not be so much what is before them in the present Case, (which I think is as odious to them as to the *Vulgar*,) but what may be hereafter. Besides, there be two disadvantages, we that shall give in Evidence shall meet with, somewhat considerable ; the *one*, that the same things, often open'd, lose their freshness, except there be an aspersiõ of somewhat that is new ; the *other* is, the Expectation raised.

P

which

* Never
less alone,
than
when a-
lone.

† It was
the Cu-
stom of
the Ro-
mans to
make
their Ap-
plications
to the Em-
peror in
Writing.

*Without
the least
Offence or
Scruple.

which makes things seem less than they are, because they are less than Opinion. Therefore I were not your *Attorney*, nor my self, if I should not be very careful, that in this last part, which is the Pinacle of your former Justice, all things may pass * *Sine offenculo, sine scrupulo*. Hereupon I did move two things, which (having now more fully explain'd my self) I do in all humbleness renew. *First*, That your Majesty will be careful to chuse a *Steward* of Judgement, that may be able to moderate the Evidence, and cut off Digressions; for I may interrupt but I cannot silence; The other that there may be special care taken, for the ordering the Evidence, not only for the Knitting, but for the List, and (to use your Majesty's own words) the confining of it. This to do, if your Majesty vouchsafe to direct it your self, that is the best; if not, I humbly pray you to require my *Lord Chancellor*, that he, together with my *Lord Chief Justice*, will confer with my self, and my fellows, that shall be used for the Marshalling and bounding of the Evidence; that we may have the help of his Opinion, as well as that of my *Lord Chief Justice*, whose great Travels as I much commend: yet that same *Plerophoria*, or over confidence doth always subject things to a great deal of chance.

There is another business proper for me to crave of your Majesty at this time, (as one that have in my eye a great deal of Service to be done,) concerning your *casual Revenue*; but considering Times and Persons, I desire to be strengthened by some such form of Commandment, under your Royal Hand, as I send you here inclosed. I most humbly pray your Majesty, to think, that I understand my self right well in this which I desire, and that it tendeth greatly to the good of your Service. The Warrant I mean not to impart,
but

but upon just occasion, thus thirsty to hear of your Majesty's good health, I rest.

22 Jan. 1615.

LXIII.

To His Majesty.

It may please your most Excellent Majesty,

THE last day, when it pleased your Majesty, to express your self towards me, far above that I can deserve, or could expect; I was surprized, by the Prince's coming in: I most humbly pray your Majesty to accept these few Lines of Acknowledgment. I never had great thought for my self, further than to maintain those great thoughts, which I confess, I have for your Service. I know, what Honour is; and I know, what the times are: But, I thank God, with me, my Service is the principal; and it is far from me, under Honourable pretences, to cover base desires; which I account then to be, when men refer too much to themselves, especially serving such a King. I am afraid of nothing, but that the Master of the Horse, your Excellent Servant, and I shall fall out, who shall hold your Stirrop best. But were you mounted and seated without difficulties, and distastes, in your Business, as I desire and hope to see you; I should *ex animo*, desire to spend the decline of my years, in my Studies: Wherein also I should not forget, to do him Honour, who, besides his active and Politick Virtues, is the best *Pen* of Kings, much more, the best subject of a *Pen*. God ever preserve your Majesty.

1 Apr. 1616.

*Your Majesty's most humble Subject, and more
and more Obliged Servant,*

Fr. Bacon.
LXIV.

LXIV.

To Sir George Villiers.

S I R,

I Thought it convenient to give his Majesty an Account of that which his Majesty gave me in charge in general, reserving the Particulars for his coming; and I find it necessary to know his Pleasure in some things, e'er I could farther proceed.

My *Lord Chancellor*, and my Self, spent *Thursday* and Yesterday, the whole Forenoons of both days, in the Examination of Sir *Robert Cotton*, whom we find hitherto but empty, save onely in the great Point of the *Treaty with Spain*.

This Examination was taken before his Majesty's Warrant came to *Mr. Vice Chamberlain*, for communicating unto us the Secrets of the Pensions: Which Warrant I received Yesterday morning being *Friday*, and a meeting was appointed at my *Lord Chancellor's*, in the Evening, after Council: Upon which Conference, we find matter of farther Examination for Sir *Robert Cotton*, of some new Articles, whereupon to Examine *Somerset*, and of entring into Examination of Sir *William Mounson*.

Wherefore, first for *Somerset*, being now ready to proceed to Examine him, we stay onely upon the *Duke of Lenox*, who it seemeth is fallen Sick, and keepeth in; without whom, we neither think it Warranted by his Majesty's Direction, nor agreeable to his intention, that we should proceed; For that will want, which should sweeten the Cup of Medicine, he being his Country-man and Friend. Herein then we humbly
crave

crave his Majesty's Direction, with all convenient speed, whether we shall expect the Duke's recovery, or proceed by our selves; or that his Majesty will think of some other Person (qualified according to his Majesty's Just Intention,) to be joyned with us. I remember we had speech with his Majesty of my Lord *Hay*, and I, for my part, can think of no other, except it should be my Lord *Chancellor of Scotland*, for my Lord *Binning* may be thought too near Allied.

I am farther to know his Majesty's Pleasure concerning the day; for my Lord *Chancellor*, and I conceived his Majesty to have designed the *Monday* and *Tuesday* after *St. George's* Feast; and nevertheless we conceived also, that his Majesty understood that the Examinations of *Somerset* about this, and otherwise touching the *Spanish* Practices, should first be put to a point; which will not be possible, as time cometh on, by reason of the accident of the Duke's Sicknes, and the cause we find of Sir *William Mounson's* Examination, and that divers of the Peers are to be sent for, from remote Places.

It may Please his Majesty therefore, to take into consideration, whether the days may not well be put off till *Wednesday* and *Thursday* after the Term, which endeth on the *Monday*, being the *Wednesday* and *Thursday* before *Whitsontide*; or, if that please not his Majesty, (in respect it may be his Majesty will be then in Town, whereas these Arraignments have been still in his Majesty's absence from Town,) then to take *Monday* and *Tuesday* after *Trinity Sunday*, being the *Monday* and *Tuesday* before *Trinity* Term.

Now for Sir *William Mounson*, if it be his Majesty's Pleasure that my Lord *Chancellor* and I shall proceed to the Examination of him, (for that of the Duke of *Lenox* differs, in that there is not the like cause as in that of

Somer-

* Accord-
ing to the
Laws of
Good
Consci-
ence.

Somerſet,) then his Maſteſty may be pleaſed to direct his Commandment and Warrant to my Lord *Chief Juſtice*, to deliver unto me the Examination he took of Sir *William Mounſon*, that thoſe Joyned to the Information which we have received from Mr. *Vice Chamberlain*, may be full inſtructions unto us for his Examination. Farther, I pray let his Maſteſty know, that on *Thursday* in the Evening, my Lord *Chief Juſtice* and my ſelf attended my Lord *Chancellor* at his Houſe, for the ſettling that Scruple which his Maſteſty moſt Juſtly conceived in the Examination of the *Lady Somerſet*; at which time, reſting on his Maſteſty's Opinion, that that Evidence, as it ſtandeth now uncleared, muſt * *Secundum leges ſanæ conſcientiæ* be laid aſide; The queſtion was, whether we ſhould leave it out, or try what a re-examination of my *Lady Somerſet* would produce? Whereupon we agreed upon a reexamination of my *Lady Somerſet*, which my Lord *Chief Juſtice* and I have appointed for *Monday Morning*. I was bold at that Meeting to put my Lord *Chief Juſtice* a poſing Queſtion; which was, Whether that Opinion which his Brethren had given upon the whole Evidence, and he had reported to his Maſteſty; viz. That it was good Evidence, in their Opinions, to Conviſt my Lord of *Somerſet*, was not Grounded upon this part of the Evidence now to be omitted, as well as upon the reſt. Who answered poſitively, No; and they never ſaw the Expoſition of the Letter, but the Letter only.

The ſame *Thursday Evening*, before we enter'd into this laſt matter, and in the preſence of *Mr. Secretary Winwood* (who left us when we went to the former buſineſs,) we had Conference concerning the Frauds, and abuſive Grants paſſed to the prejudice of His Maſteſty's State of Revenue; where my Lord *Chief Juſtice* made ſome Relation of his Collections which he had

had made of that kind; of which I will only say this, that I heard nothing that was New to me, and I found my Lord *Chancellor* in divers Particulars, more ready than I found him. We grew to a Distribution both of *Times* and of *Matters*, for we agreed what to begin with presently, and what should follow, and also we had Consideration what was to be holpen by Law, what by Equity, and what by Parliament, Wherein I must confess, that in the last of these (of which my Lord *Chief Justice* made most Account) I make most Doubt. But the Conclusion was, That upon this Entrance, I should advise and confer at large with my Lord Chief Justice, and set things in Work. The particulars I refer till His Majesty's coming.

The learned Council have attended me twice at my Chamber, to confer upon that which his Majesty gave us in Commandment, for our Opinion upon the *Case* set down by my Lord *Chancellor*, whether the *Statutes* extend to it or no, Wherein we are more and more edified and confirmed, that they do not; and shall shortly send our *Report* to his Majesty.

Sir I hope you will bear me Witness, I have not been Idle; but all is nothing to the Duty I owe his Majesty, for his singular Favours past and present, supplying all with Love and Prayers I rest,

Apr. 13.
1616.

Your true Friend and devoted
Servant.

Fra. Bacon.

LXV.

LXV.

To Sir George Villiers.

S I R,

I Received from you a Letter of very brief and clear Directions, and I think it a great Blessing of God upon me and my Labours, that my Directions come by so clear a Conduit, as they receive no Tincture in the Passage.

Yesterday my Lord *Chancellor*, the Duke of *Lenox*, and my Self, spent the whole Afternoon at the Tower, in the Examination of *Somerſet*, upon the Articles ſent from his Maſteſty, and ſome other Additionals, which were in Effect contained in the former, but extended to more particularity, by Occaſion of ſome-what diſcovered by *Cotton's* Examination, and Mr. *Vice-Chamberlain's* Information.

He is full of Proteſtations, and would fain keep that quarter towards *Spain* clear; uſing but this for Argument, That he had ſuch Fortunes from his Maſteſty, as he could not think of bettering his Conditions from *Spain*, becauſe (as he ſaid) he was no military Man. He cometh nothing ſo far on (for that which concerneth the *Treaty*) as *Cotton* which doth much aggravate Suſpicion againſt him. The farther Particulars I reſerve to his Maſteſty's coming.

* As it
were by
the by.

In the end, * *tanquam Obiter*, but very effectually, my Lord *Chancellor* put him in mind of the State he ſtood in for the Imprifonment; but he was little moved with it, and pretended careleſneſs of life, ſince Ignominy had made him unfit for his Maſteſty's Service. I am of Opinion, that the fair uſage of him,

as

as it was fit for the *Spanish* Examinations, and for the Questions touching the Papers and Dispatches, and all that; so it was no good Preparative, to make him descend into himself touching his present danger: And therefore my Lord *Chancellor* and my Self, thought not good to insist upon it at this time.

I have received from my Lord *Chief Justice*, the Examination of Sir *William Mounson*; with whom we mean to proceed to farther Examination with all speed.

My Lord *Chief Justice* is altered touching the Re-examination of the Lady, and desired me that we might stay till he spake with his Majesty, saying it could be no casting back to the Business which I did approve.

My Self with the rest of my Fellows, upon due and mature Advice, perfected our *Report* touching the *Chancery*; for the receiving whereof, I pray you put his Majesty in mind, at his coming, to appoint some time for us to wait upon him all together, for the Delivery in of the same, as we did in our former Certificate.

For the Revenue matters, I reserve them to his Majesty's coming; and in the mean time, I doubt not but Mr. Secretary *Winwood* will make some kind of Report thereof to His Majesty.

For the Conclusion of your Letter concerning my own Comfort, I can but say the *Psalm* of * *Quid retribu-* * What
am? God that giveth me Favour in his Majesty's Eyes, shall I ren-
will strengthen me in his Majesty's Service. I ever der?
rest

April 18.
1616.

*Your true and devoted
Servant.*

Fra. Bacon.

Q

To

To requite your *Postscript* of Excuse for scribling, I pray you excuse that the Paper is not gilt, I writing from *Westminster-Hall* where we are not so fine.

LXVI.

A Letter to the KING, with His Majesty's Observations upon it.

It may please your most Excellent Majesty,

YOUR Majesty hath put me upon a Work of Providence in this great Cause, which is to break and distinguish future Events into present Cases; and so to present them to your Royal Judgement, that in this Action which hath been carried with so great Prudence; Justice; and Clemency; there may be, (for that which remaineth,) as little Surprize as is possible; But that things duly foreseen may have their Remedies and Directions in readiness; wherein I cannot forget what the *Poet Martial* saith; *O quantum est subitis casibus ingenium!* signifying, that Accident is many times more subtil than Foresight, and over-reacheth Expectation; and besides, I know very well the meanness of my own Judgement, in comprehending or forecasting what may follow.

It was your Majesty's Pleasure also, that I should couple the Supposition with my Opinion in every of them, which is a harder Task; but yet your Majesty's Commandment requireth my Obedience, and your Trust giveth me Assurance.

I will put the *Case*, which I wish; that *Somerſet* ſhould make a clear Confeſſion of his Offences, before he be produced to Tryal.

Rex. *I ſay with Apollo, † Mediotutius itur, if it may ſtand with Law; and if it cannot, when I ſhall hear that he confeſſeth, I am to make Choice of the firſt or the laſt.*

In this *Caſe*, it ſeemeth your Maſteſty will have a new Conſult. the Points whereof will be (1.) Whether your Maſteſty will ſtay the *Tryal*, and ſo ſave them both from the Stage, and that publick Ignominy. Or (2.) Whether you will (or may fitly by Law) have the *Tryal* proceed, and ſtay or reprieve the *Judgement*, which ſaveth the Lands from Forfeiture, and the Blood from Corruption. Or (3.) Whether you will have both *Tryal* and *Judgement* proceed and ſave the Blood only, not from corrupting, but from ſpilling.

† The middle way is the beſt.

Theſe be the Depths of your Maſteſty's Mercy which I may not enter into; but for Honour and Reputation they have theſe grounds.

That the Blood of *Overbury* is already revenged by divers Executions.

That *Confeſſion* and *Penitency* are the *Footſtools* of Mercy, adding this Circumſtance likewise, that the former Offenders did none of them make a clear Confeſſion.

That the great Downfall of ſo great Perſons carrieth in it ſelf, a heavy Judgement and a kind of a civil Death, although their Lives ſhould not be taken.

All which may satisfie Honour for sparing their Lives. But if your Majesty's Mercy should extend to the first Degree, which is the highest of sparing the *Stage* and the *Trial*; then three things are to be considered.

Rex. *This Article cannot be mended in Point thereof.*

First, That they make such a Submission or Deprecation as they prostrate themselves, and all that they have, at your Majesty's Feet, imploring your Mercy.

Secondly; That your Majesty, in your own Wisdom, do advise what Course you will take, for the utter extinguishing of all hopes of resuscitating of their *Fortunes* and *Favour*; whereof if there should be the least Conceit, it will leave in Men a great deal of Envy and Discontent.

And *lastly*; whether your Majesty will not suffer it to be thought abroad, that there is a Cause of farther Examination of *Somerset*, concerning matters of Estate, after he shall begin once to be a Confessant, and so make as well a *Politick* Ground as a ground of Clemency for farther stay.

And for the second Degree of Proceeding to Trial, and staying Judgement, I must better Inform my self, by *Presidents* and advise with my Lord Chancellor.

The *Second Case* is, if that fall out which is likest (as things stand and which we expect) which is, that the *Lady* confess: And that *Somerſet* himself plead not guilty, and be found guilty.

Rex. *If stay of Judgement can stand with the Law, I could even wish it in this Case: In all the rest the Article cannot be mended.*

In this *Case first*, I suppose your Majesty will not think of any stay of Judgement, but that the publick Proceſs of Juſtice paſs on.

Secondly, For your Mercy to be extended to both, for Pardon of their Execution, I have partly touched in the Considerations applyed to the former Case; whereunto may be added, that as there is ground of Mercy for her, upon her Penitency, and free Confession, and will be much more upon his finding guilty; because the Malice on his part will be thought the deeper Source of the Offence; so there will be ground for Mercy, on his part upon the nature of the Proof, and because it rests chiefly upon Presumptions. For certainly, there may be an Evidence so balanced, as it may have sufficient matter for the Conscience of the Peers to convict him, and yet leave sufficient matter in the Conscience of a King upon the same Evidence, to pardon his Life; because the Peers are aſtringed by Neceſſity, either to acquit or condemn; but Grace is free. And for my part, I think the *Evidence* in this present Case will be of such a Nature.

Third.

All which may satisfie Honour for sparing their Lives. But if your Majesty's Mercy should extend to the first Degree, which is the highest of sparing the *Stage* and the *Tryal*; then three things are to be considered.

Rex. *This Article cannot be mended in Point thereof.*

First, That they make such a Submission or Deprecation as they prostrate themselves, and all that they have, at your Majesty's Feet, imploring your Mercy.

Secondly; That your Majesty, in your own Wisdom, do advise what Course you will take, for the utter extinguishing of all hopes of resuscitating of their *Fortunes* and *Favour*; whereof if there should be the least Conceit, it will leave in Men a great deal of Envy and Discontent.

And *lastly*; whether your Majesty will not suffer it to be thought abroad, that there is a Cause of farther Examination of *Somerset*, concerning matters of Estate, after he shall begin once to be a Confessant, and so make as well a *Politick* Ground as a ground of Clemency for farther stay.

And for the second Degree of Proceeding to Tryal, and staying Judgement, I must better Inform my self, by *Presidents* and advise with my Lord Chancellor.

The

The *Second Case* is, if that fall out which is likest (as things stand and which we expect) which is, that the *Lady* confess: And that *Somerſet* himself plead not guilty, and be found guilty.

Rex. *If stay of Judgement can stand with the Law, I could even wish it in this Case: In all the rest the Article cannot be mended.*

In this *Case first*, I suppose your Majesty will not think of any stay of Judgement, but that the publick Process of Justice pass on.

Secondly, For your Mercy to be extended to both, for Pardon of their Execution, I have partly touched in the Considerations applyed to the former Case; whereunto may be added, that as there is ground of Mercy for her, upon her Penitency, and free Confession, and will be much more upon his finding guilty; because the Malice on his part will be thought the deeper Source of the Offence; so there will be ground for Mercy, on his part upon the nature of the Proof, and because it rests chiefly upon Presumptions. For certainly, there may be an Evidence so balanced, as it may have sufficient matter for the Conscience of the Peers, to convict him, and yet leave sufficient matter in the Conscience of a King upon the same Evidence, to pardon his Life; because the Peers are astringed by Necessity, either to acquit or condemn; but Grace is free. And for my part, I think the Evidence in this present Case will be of such a Nature.

Third.

Thirdly; it shall be my Care so to moderate the manner of charging him, as it might make him not odious beyond the Extent of Mercy.

Rex. *That Danger is well to be foreseen, lest he upon the one part commit unpardonable Errors, and I on the other part seem to punish him in the Spirit of Revenge.*

The *third Case* is, if he should stand Mute, and will not plead, whereof your Majesty knoweth, there hath been some Secret Question.

Rex. *this Article cannot be mended.*

Lastly; all these points of Mercy and Favour, are to be understood with this Limitation, if he do not by his Contemptuous, and Insolent Carriage at the Barr, make himself incapable and unworthy of them.

In this *Case*, I should think fit, that, as in Publick, both my self, and chiefly my Lord Chancellor, (sitting then as Lord Steward of England) should dehort and deter him from that Desperation; so nevertheless, that as much should be done for him, as was done for *Weston*, which was to adjourn the Court for some days, upon a Christian Ground, that he may have time to turn from that mind of destroying himself; during which time your Majesty's farther Pleasure may be known.

The

The *fourth Case* is that, which I should be very forry it should happen; but it is a future Contingent; that is if the Peers should acquit him and find him not Guilty.

Rex. *This is so also.*

In this Case the Lord *Steward* must be provided what to do. For as it hath been never seen, (as I conceive it) that there should be any rejecting of the *Verdict*, or any respiting of the *Judgment* of the Acquittal, so on the other side, this Case requireth, that because there be many high and heinous Offences, (though not Capital) for which he may be questioned in the *Star Chamber*, or otherwise, that there be some touch of that in general, at the Conclusion, by my Lord *Steward* of *England*, And therefore he be remanded to the *Tower*, as close Prisoner.

For matter of Examination, or other Proceedings; my Lord *Chancellor*, with my Advice hath set down, To *morrow*, being Monday, for the Re-examination of the Lady.

Wednesday next, for the meeting of the Judges, concerning the Evidence.

Thursday, for the Examination of *Somerſet* himself, according to your Majesty's Instructions.

Which three parts, when they shall be performed, I will give your Majesty Advertisement with speed, and in the mean time be glad to receive from your Majesty (whom it is my part to inform truly) such Directions, or significations of your Pleasure, as this Advertisement may induce, and that with speed, because the time cometh on: Well remembring who is the Person, whom

whom your Majesty admitted to this Secret; I have sent this Letter open unto him, that it may take your Majesty's times to report it, or shew it unto you; assuring my self that nothing is more firm than his Trust, tyed to your Majesty's Commandments.

April 28.
1616.

*Your Majesty's, most humble and most
bounden Subject and Servant.*

Fr. Bacon.

LXVII.

✓ To Sir George Villiers.

S I R,

I I have received my Letter from his Majesty, with his Marginal Notes, which shall be my Directions, being glad to perceive I understand his Majesty so well. That same little *Charm*, which may be secretly infused into *Somerſet's* Ear some few hours before his Tryal, was excellently well thought of by his Majesty, and I do approve it, both for matter and time; only if it seem good to his Majesty, I would wish it a little enlarged: For if it be no more than to spare his Blood, he hath a kind of proud humor, which may over-work the Medicine. Therefore I could wish it were made a little stronger, by giving him some hopes that his Majesty will be good to his *Lady*, and *Child*; and that time (when Justice, and his Majesty's Honour, is once saved and satisfied) may produce farther Fruit of his Majesty's Compassion: which was to be seen in the Example of *Southampton*, whom his Majesty, after Attainder, restored; and *Cobham* and *Gray*, to whom his Ma-

Majesty notwithstanding they were Offenders against his own Person) yet he spared their Lives ; and for Gray, his Majesty gave him back some part of his Estate, and was upon Point to deliver him much more : He having been so highly in his Majesty's Favour, may hope well, if he hurt not himself by his publick Misdemeanour.

For the Person that should deliver this Message, I am not so well seen in the Region of his Friends, as to be able to make Choice of a Particular ; my Lord *Treasurer*, the Lord *Knollys*, or any of his nearest Friends, should not be trusted with it ; for they may go too far, and perhaps, work contrary to his Majesty's Ends. Those which occur to me, are my Lord *Hay*, my Lord *Burleigh*, (of *England*, I mean) and Sir *Robert Carre*.

My Lady *Somerset* hath been re-examined, and his Majesty is found, both a *true Prophet*, and a most *just King*, in that Scruple he made : For now She expoundeth the Word *He*, that should send the Tarts to *Elway's* Wife, to be of *Overbury*, and not of *Somerset* ; But for the Person that should bid her, she saith, it was *Northampton*, or *Weston*, not pitching upon certainty, which giveth some Advantage to the Evidence.

Yesterday being *Wednesday*, I spent four or five Hours with the *Judges*, whom his Majesty design'd to take Consideration with the four *Judges* of the *Kings Bench*, of the Evidence against *Somerset*. They all concur in Opinion, that the questioning, and drawing him on to Tryal, is most honourable and just, and that the Evidence is fair and good.

His Majesty's *Letter* to the *Judges* concerning the *Commendams* was full of Magnanimity and Wisdom. I perceive his Majesty is never less alone, than when he is alone ; for I am sure there was no body by him

to inform him, which made me admire it the more.

The *Judges* have given a Day over, till the second *Satterday* of the next Term; so as that matter may endure farther Consideration, for his Majesty not only not to lose Ground, but to win Ground.

To morrow is appointed for the Examination of *Somerſet*, which by some Infirmary of the Duke of *Lenox*, was put off from this day. When this is done, I will write more fully, ever resting,

May 2. 1616.

Your true and devoted Servant,

Fr. Bacon.

LXVIII.

To Sir George Villiers.

S I R,

I Am far enough from Opinion, that the *Redintegration* or *Refuscitation* of *Somerſet's* Fortune can ever stand with his Majesty's Honour and Safety; and therein I think I exprest my self fully to his Majesty in one of my former Letters; and I know well any expectation or thought abroad will do much hurt. But yet the Glimmering of that which the King hath done to others by way of talk to him, cannot hurt as I conceive; but I would not have that part of the Message as from the King, but added by the Messenger, as from himself. This I remit to his Majesty's Princely Judgement.

For the Person, though he trust the Lieutenant well, yet it must be some new Man; For in these Cases, that
which

which is ordinary worketh not so great Impressions as that which is new and extraordinary.

The time I wish to be the *Tuesday*, being the Even of his *Lady's* Arraignment. For as his Majesty first conceived, I would not have it stay in his Stomack too long, lest it sowre in the digestion; and to be too near the time, may be thought to tune him for that day.

I send here withall the substance of that which I purpose to say nakedly, and only in that part which is of Tenderneſs; for that I conceive was his Majesty's meaning.

It will be necessary, because I have distributed parts to the two *Serjeants*, (as that Paper doth expresse,) and they understand nothing of his Majesty's pleasure of the manner of Carrying the Evidence, more than they may guess by Observation of my Example, (which they may ascribe as much to my nature, as to direction;) Therefore that his Majesty would be pleased to write some few words to us all, Signed with his own hand, that the matter it self being *Tragical* enough, bitterness and insulting be forborn; and that we remember our part, to be to make him *Delinquent* to the *Peers*, and not *odious* to the *People*. That part of the Evidence of the *Lady's* Exposition of the Pronoun (*he*) which was first caught hold of by me, and afterwards by his Majesty's singular Wisdom and Conscience, excepted to, and now is by her reexamination retracted, I have given order to *Serjeant Montague*, (within whose part it falleth) to leave it out of the Evidence. I do yet crave pardon, if I do not certifie touching the Point of Law for respiting the Judgement, for I have not fully advised with my *Lord Chancellor* concerning it, but I will advertise it in time.

I send his Majesty the *Lord Steward's Commission* in two several Instruments, the *one* to remain with my

Lord *Chancellor*, which is that which is written in Secretary hand for his Warrant, and is to pass the *Signet*; the *other*, that whereunto the Great Seal is to be affixed, which is in *Chancery*-hand, his Majesty is to Sign them both, and to transmit the former to the Signet, if the Secretaries either of them be there, and both of them to be returned to me with all speed, I ever rest,

May 5. 1616.

Your true and devoted Servant,

Fr. Bacon.

LXIX.

✓ *To the KING.*

May it please your Majesty,

WE have done our best Endeavours to perform your Majesty's Commission, both in matter and manner, for the Examination of my Lord *Somerset*; wherein that which passed (for the General) was to this effect; That he was to know his own Case, for that his day of *Tryal* could not be far off; but that this days work was that which would conduce to your Majesty's Justice little or nothing, but to your mercy much, if he did lay hold upon it; and therefore, might do him good, but could do him no hurt; For as for your Justice, there had been great and grave Opinion, not only of such Judges, as he may think violent, but of the most saddest and most temperate of the Kingdom, who ought to understand the state of the Proofs, that the Evidence was full to convict him, so as there needeth neither Confession, nor supply

supply of Examination. But for your Majesty's mercy (although he were not to expect we should make any promise) we did assure him, that your Majesty was Compassionate of him, if he gave you some ground whereon to work; that as long as he stood upon his Innocency, and Tryal, your Majesty was tyed in honour to proceed according to Justice; and that he little understood (being a Close Prisoner) how much the *expectation* of the World, besides your *love* to *Justice* it self ingaged your Majesty, whatsoever your Inclinations were: But nevertheless, that a frank and clear Confession might open the Gate of Mercy, and help to satisfy the Point of Honour.

That his *Lady* (as he knew, and that after many Oaths and Imprecations to the contrary) had nevertheless in the end, been touched with remorse, confessed that she that led him to Offend, might lead him likewise to repent of his Offence. That the Confession of one of them could not fitly do either of them much good, but the Confession of both of them might work some farther effect towards both. And therefore, in conclusion, we wish'd him not to shut the Gate of your Majesty's mercy against himself, by being obdurate any longer. This was the effect of that which was spoken, part by one of us, part by another, as it fell out, adding farther that he might well discern who spake in us, in the course we held; for that *Commissioners* for *Examination* might not presume so far of themselves.

Not to trouble your Majesty with Circumstances of his Answers, the sequell was no other, but that we found him still, not to come any degree farther on to confess; onely his Behaviour was very sober, and modest and mild, (differing apparently from other times)

times) but yet, as it seem'd, resolv'd to have his *Tryal*.

Then did we proceed to examine him upon divers Questions, touching the *Impoysonment*, which indeed were very material, and supplemental to the former Evidence; wherein either his Affirmatives gave some light, or his Negatives do greatly falsifie him, in that which is apparently proved.

We made this farther Observation, that when we asked him some question that did touch the *Prince*, or some *Foreign Practice*, (which we did very sparingly at this time) yet he grew a little stir'd, but in the questions of the *Impoysonment* very cold and modest. Thus not thinking it necessary to trouble your Majesty with any farther Particulars, we end with Prayer to God, ever to preserve your Majesty.

Your Majesty's most Loyal and Faithful Servant,

Fr. Bacon.

Postscript. If it seem good unto your Majesty we think it not amiss some Preacher, (well chosen) had Access to my Lord of *Somerſet*, for his preparing and Comfort, although it be before his *Tryal*.

LXX.

To the Lord Chief Justice Coke.

My very Good Lord,

THough it be true, that who considereth the Wind and the Rain, shall neither sow nor reap; yet there is a season for every Action, and so there is a time

time to speak, and a time to keep silence. There is a time when the words of a poor simple man may profit; and that poor man in the *Preacher*, which delivered the City by his Wisdom, found that without this Opportunity, the ower both of Wisdom and Eloquence lose but their labour, and cannot charm the deaf Ad-der. God therefore, before his *Son* that bringeth mercy, sent his *Servant* the Trumpeter of Repentance to level every high Hill; to prepare the way before him, making it smooth and streight: And as it is in Spiritual things, where *Christ* never comes before his way-maker hath laid even the heart with sorrow and repentance; (since self-conceited and proud Persons think themselves too good and too wise to learn of their Inferiours, and therefore need not the Physician;) so in the rules of earthly wisdom, it is not possible for Nature to attain any Mediocrity of Perfection, before she be humbled by knowing her self, and her own ignorance. Not only knowledge, but also every other Gift (which we call the *Gifts* of *Fortune*) have power to puff up Earth: Afflictions only level those Mole-hills of Pride; Plough the Heart, and make it fit for Wisdom to sow her seed, and for Grace to bring forth her increase. Happy is that man therefore, both in regard of Heavenly and Earthly wisdom, that is thus wounded to be cured; thus broken to be made straight; thus made acquainted with his own Imperfections, that he may be perfected.

Supposing this to be the time of your affliction, that which I have propounded to my self is, by taking this seasonable advantage, like a *true Friend* (though far unworthy to be counted so) to shew you, your true shape in a Glass, and that not in a false one, to flatter you, nor yet in one that should make you seem worse than you are, and so offend you; but in one made
by

by the reflection of your own words and actions ; From whose light proceeds the *voice* of the *People*, which is often not unfitly called the *voice* of *God*. But therein (since I have purposed a truth) I must intreat liberty to be plain, a liberty that at this time I know not whether or no, I may use safely, I am sure at other times I could not ; yet of this resolve your self, it proceedeth from love, and a true desire to do you good ; that you knowing the General Opinion may not altogether neglect or contemn it, but mend what you find amiss in your self, and retain what your Judgment shall approve ; for to this end shall truth be delivered as naked as if your self were to be *Anatomized* by the hand of Opinion. All men can see their own profit, *That part of the Wallet hangs before.* A true Friend (whose worthy Office I would perform, since I fear, both *your self*, and all *Great Men*, want such, being themselves true Friends to few or none) is first to shew the other, and which is from your Eyes.

First, Therefore, behold your Errors ; In discourse you delight to speak too much, not to hear other men ; this, some say, becomes a *Pleader* not a *Judge* ; For by this sometimes your Affections are intangled with a love of your own Arguments, though they be the weaker, and rejecting of those, which when your Affections were settled, your own Judgement would allow for strongest. Thus while you speak in your own *Element*, the *Law*, no man ordinarily equals you ; but when you *wander* (as you often delight to do) you *wander* indeed, and give never such satisfaction as the curious time requires. This is not caused by any natural defect, but first for want of *Election*, when you having a large and fruitful mind, should not so much labour *what to speak*, as to find *what to leave unspoken* : *Rich Soils are often to be weeded.*

Secondly,

Secondly, You cloy your Auditory, when you would be observed; *Speech* must be either sweet or short.

Thirdly, You converse with *Books*, not *Men*, and Books specially humane, and have no excellent choice with *Men*, who are the *best Books*. For a man of Action and Employment you seldom converse with, and then but with your Underlings; not freely, but as a *School master* with his *Scholars*, ever to teach, never to learn; But if sometimes you would in your Familiar Discourse, hear others and make Election of such as know what they speak; you should know many of these Tales you tell, to be but ordinary; and many other things, which you delight to repeat, and serve in for *Novelties*, to be but *stale*; As in your *Pleadings*, you were wont to insult over *misery*, and to inveigh bitterly at the *Persons* (which bred you many Enemies, whose Poyson yet swelleth, and the effects now appear;) so are you still wont to be a little careless in this Point, to praise, or disgrace, upon slight Grounds, and that sometimes untruely; so that your Reproofs or Commendations, are, for the most part, neglected and contemned; When the *Censure* of a *Judge* (coming slow, but sure) should be a *Brand* to the Guilty, or a *Crown* to the Vertuous. You will jest at any man in Publick without respect of the Persons Dignity, or your own: This disgraceth your Gravity, more than it can advance the Opinion of your Wit; and so do all Actions which we see, you do directly with a touch of vain Glory, having no respect to the true end. You make the Law to lean too much to your Opinion, whereby you shew your self to be a *Legal Tyrant*, striking with that weapon where you please; since you are able to turn the edge any way. For thus the wise *Master* of the *Law* gives warning to young Students, that they should be wary, lest while they hope to be

instructed by your integrity and knowledge, they should be deceived with your skill armed with Authority. Your too much love of the World is too much seen, when having the living of a thousand you relieve few or none: The hand that has taken so much, can it give so little? Herein you shew no Bowels of Compassion, as if you thought all too little for your self; or that *God* had given you all that you have (if you think *Wealth* to be his *Gift*, I mean that you get well, for I know sure, the rest is not) onely to that end you should still gather more, and never be satisfied; but try how much you would gather, to accompt for all at the Great and General *Audit*-day. We desire you to amend this, and let your poor *Tenants* in *Norfolk* find some Comfort, where nothing of your Estate is spent towards their relief, but brought up hither, to the Impoverishing of your Country.

In your *last*, which might have been your *best piece* of *Service* to the *State*, affectioned to follow that old rule, which giveth Justice *Leaden Heels*, and *Iron Hands*; you used too many delays till the *Delinquents* Hands were loosed, and yours bound: In that work you seemed another *Fabius*; Where the humour of *Marcellus* would have done better: What need you have sought more Evidences than enough? while you pretended the finding out of more (missing your aim) you discredited what you had found. This best Judgements think; though you never used such *Speeches* as are Fathered upon you; yet you might well have done it, and but rightly; For this *Crime* was second to none, but the *Powder-Plot*: *That* would have blown up all at one blow, a merciful cruelty; *This* would have done the same by degrees, a lingring, but a sure way; One might by one be called out, till all opposers had been removed.

Besides,

Besides, that other Plot was Scandalous to *Rome*, making *Popery* Odious in the sight of the whole World; This hath been Scandalous to the whole *Gospel*; and since the first *Nullity* to this instant, when Justice hath her hands bound, the Devil could not have invented a more mischievous practice, to our State and Church, than this hath been, is, and is like to be. God avert the Evil.

But herein you committed another fault; That as you were too open in your Proceedings, and so taught them whereby to defend themselves; so you gave them time to undermine Justice, and to work upon all Advantages, both of Affections and Honour, and Opportunity, and Breach of Friendship; which they have so well followed, sparing neither Pains nor Costs, that it almost seemeth an higher offence in you to have done so much indeed, than that you have done no more; you stopt the Confessions and Accusations of some who perhaps, had they been suffered, would have spoken enough to have removed some stumbling Blocks out of your way; and that you did not this in the favour of any one, but of I know not what present unadvised humours, supposing enough behind to discover all; which fell not out so. Howsoever, as the *Apostle* saith in another Case, you went not rightly to the truth; and therefore though you were to be commended for what you did; yet you were to be reprehended for many Circumstances in the doing; and doubtless God hath an eye in this Cross, to your negligence; and the Briers are left to be pricks in your sides, and thorns in your eyes. But that which we commend you for, are those *Excellent Parts* in Nature, and Knowledge in the Law, which you are endued withall; but these are onely good in their good use. Wherefore we thank you heartily for standing stoutly in the Common-

wealth's behalf; hoping it proceedeth not from a disposition to oppose Greatness, (as your Enemies say) but to do Justice, and deliver truth indifferently, without respect of Persons; and in this we pray for your prosperity, and are sorry that your good actions should not always succeed happily. But in the carriage of this you were faulty, for you took it in hand in an evil time, both in respect of the present *Business* which is interrupted, and in regard of his present *Sickness* whom it concerned, whereby you disunited your strength, and made a Gap for the Enemies to pass out at, and to return and assault you.

But now since the Case so standeth, we desire you to give way to power, and so to fight that you be not utterly broken, but reserved intirely to serve the Commonwealth again, and do what good you can, since you cannot do all the good you would, and since you are fallen upon this Rock, cast out the Goods to save the Bottom: Stop the Leaks and make towards Land; Learn of the Steward, to make Friends of the unrighteous *Mammon*. Those *Spaniards* in *Mexico* who were chased of the *Indians*, tell us what to do with our Goods in our Extremity, they being to pass over a River in their Flight, as many as cast away their *Gold*, swam over safe; but some more covetous, keeping their *Gold*, were drowned with it, or over-taken and slain by the Savages: You have received, now learn to give. The *Beaver* learns us this Lesson, who being hunted for his Stones bites them off; You cannot but have much of your Estate (pardon my plainness) ill got; think how much of that you never spake for, how much by speaking unjustly or in unjust Causes. Account it then a blessing of God, if thus it may be laid out for your good, and not left for your heir, to hasten the wasting of much of the rest, perhaps of all: For so

we

we see God oftentimes proceeds in Judgement with many hasty Gatherers; You have enough to spare, being well laid to turn the Tide, and fetch all things again. But if you escape, I suppose it worthy of an (If) since you know the old use, that none called in Question must go away Uncensured. Yet consider that *Accusations* make Wounds, and leave Scars, and though you see the *Toyle* behind your back, your self free, and the *Covert* before, yet remember there are *Stand*s; Trust not a reconciled Enemy; but think the peace is but to secure for farther advantage, or expect a second and a third Encounter; the *Main Battle*; the Wings are yet unbroken, they may Charge you at an instant, or death before them; Walk therefore Circumspectly, and if at length by means of our good Endeavours, and yours, you recover the favour that you have lost; give God the Glory in action, not in words only; and remember us with sense of your past misfortune, whose *Estate* hath, and may hereafter lye in the power of your breath.

There is a great mercy in *Dispatch*, Delays are Tortures, wherewith by degrees we are rent out of our Estates (a); do not you (if you be restored) as some others do fly from the service of Vertue to serve the time, as if they repented their Goodness, or meant not to make a second Hazard in God's House; but rather let this Cross make you zealous in God's Cause, sensible in ours, and more sensible in all; which expresses thus, You have been a great Enemy to *Papists*, if you love God, be so still, but more indeed than heretofore; for much of your zeal was heretofore wasted

(a) My Lord Bacon observes in his *Essays* that the Scripture saith, There be that turn Judgement into Wormwood; and saith he, Surely there be also that turn it into Vinegar; For *Injustice* maketh it bitter, and *Delays* make it sowre.

in words, call to remembrance that they were the persons that Prophesied of that Cross of yours long before it happened ; they saw the Storm coming, being the principal Contrivers and furtherers of the Plot, the Men that blew the Coals, heat the Iron, and made all things ready, they owe you a good Turn, and will if they can pay it you ; You see their hearts by their deeds, prove then your Faith so too : The best good work you can do, is to do the best you can against them, that is to see the Law severely, justly and diligently executed.

And now we beseech you, *my Lord*, be sensible both of the Stroak, and hand that striketh ; learn of *David* to leave *Shimei*, and call upon God, he hath some great work to do, and he prepareth you for it ; He would never have you faint, nor yet bear this Cross with a *Stoical* resolution ; There is a *Christian Mediocrity*, worthy of your Greatness. I must be plain, perhaps rash ; had some *Notes* which you had taken at *Sermons* been written in your heart to practise ; this work had been done long ago, without the Envy of your Enemies ; but when we will not mind our selves, God (if we belong to him) takes us in hand, and because he seeth that we have unbridled Stomacks, therefore he sends outward Crosses, which, while they cause us to mourn, do comfort us, being assured Testimonies of his love that sends them. To humble our selves therefore before God, is the part of a *Christian* ; but for the World and our Enemies, the Counsel of the *Poet* is apt,

Tu ne cede malis, sed contra audentior ito,

But thou, secure of Soul, unbent with Woes.

The more thy Fortune frowns, the more oppose.

Dryd. Virg. Lib. 6.

The

The last part of this Council you forget ; yet none need be ashamed to make use of it, that so being Armed against Casualties, you may stand firm against the Assaults on the right Hand, and on the left. For this is certain, the *Mind* that is most prone to be puffed up with *Prosperity*, is most weak, and apt to be dejected with the least Puff of *Adversity*. Indeed She is strong enough to make an Able Man stagger, striking terrible Blows ; But true Christian Wisdom gives us Armour of Proof, against all Assaults, and teacheth us *in all Estates to be content* ; for though She cause our truest Friends, to declare themselves our Enemies ; Though She give heart then, to the most cowardly to strike us ; Though an hours continuance countervails an Age of Prosperity ; Though She cast in our Dish all that ever we have done ; Yet hath She no Power to hurt the humble and wise, but only to break such as too much Prosperity hath made stiffe in their own Thoughts, but weak indeed ; and fitted for renewing. When the Wise rather gather from thence Profit and Wisdom ; by the Example of *David*, who said, *Before I was chastised I went astray*. Now then he that knoweth the right way, will look better to his Footing. *Cardan* saith, *That Weeping, Fasting and Sighing, are the chief Purgers of Grief* ; Indeed naturally they do assuage Sorrow ; But *God* in this Case, is the only and best Physitian ; the Means he hath Ordained are the Advice of Friends, the Amendment of our selves ; for Amendment is both Physitian and Cure. For Friends, Although your *Lordship* be scant, yet I hope you are not altogether destitute ; If you do but look upon good Books, they are true Friends, that will neither flatter nor dissemble ; be you but true to your Self, applying what they teach unto the Party grieved, and you shall need

need no other Comfort nor Council. To them, and to God's holy Spirit, directing you in the reading of them, I commend your *Lordship*; beseeching him to send you a good Issue out of these Troubles, and from henceforth to work a Reformation in all that is amiss, and a resolute Perseverance, Proceeding and Growth, in all that is good, and that for his Glory, the bettering of your Self, this Church, and Commonwealth; whose Faithful Servant whilst you remain,

I remain,

*a Faithful Servant
to you.*

Fra. Bacon

LXXI.

To Sir George Villiers.

S I R,

THE Time is, as I should think, now, or never, for his Majesty, to finish his good meaning towards me; If it please him to consider, what is past, and what is to come.

If I would tender my Profit, and oblige Men unto me, by my Place and Practice, I could have more Profit than I could devise; And could oblige all the World, and offend none; which is a brave Condition, for a Man's private. But my Heart, is not, on these things. Yet on the other side, I would be sorry, that worthless Persons, should make a Note, that I get nothing, but Pains and Enemies; and a little popular Reputation, which

which followeth me, whether I will or no. If any thing be to be done for your self, I should take infinite Contentment; That my *Honour*, might wait upon yours: But I would be loath, it should wait upon any Man's else. If you would put your Strength, to this Business, it is done; and that done, many things more will begin. God keep you ever. I rest

May 30.
1616.

*Your true and devoted
Servant.*

Fra. Bacon.

LXXII.

To the KING.

May it please your most Excellent Majesty,

I am not swift to deliver any thing to your Majesty, before it be well weighed. But now that I have Informed my Self of as much as is necessary, touching this Proceeding of the *Judges*, to the Argument of the *Commendams* (notwithstanding your Majesty's Pleasure signified by me, upon your Majesty's Commandment; in Presence of my Lord *Chancellor* and the *Bishop* of *Winchester* to the contrary,) I do think it fit to advertise your Majesty what hath passed; the rather because I suppose the Judges, since they perform'd not your Commandment, have at least given your Majesty their Reasons of failing therein; I being to answer for the doing your Majesty's Commandments, and they for the not doing.

I did conceive, that in a Cause that concerned your Majesty and your Royal Power, the *Judges* having
T heard

heard your *Attorney General* argue the *Saturday* before, would of themselves have taken farther time to be advised.

And (if I fail not in memory) my Lord *Coke* received from your Majesty's self, as I take it, a precedent Commandment, in *Hilary Term*; that both in the *Rege inconsulto*, and in the *Commendams*, your *Attorney* should be heard to speak, and then stay to be made of farther Proceedings, till my Lord had spoken with your Majesty.

Nevertheless, hearing that the Day appointed for the Judges Argument held, contrary to my Expectation, I sent on *Thursday* in the Evening (having received your Majesty's Commandment but the Day before, in the Afternoon) a Letter to my Lord *Coke*, whereby I let him know, that upon some Report of my Lord of *Winchester*, (who by your Commandment was present at my Argument of that which passed;) it was your Majesty's express Pleasure, that no further Proceedings should be, until you had conferr'd with your Judges; which your Majesty thought to have done at your being now last in Town; but by Reason of your many and weighty Occasions, your Princely Times would not serve; and that it was your pleasure he should signifie so much to the rest of the Judges, whereof his *Lordship* might not fail. His Answer by Word to my Man was, that it were good the rest of the Judges understood so much from my self, whereupon I (that cannot skill of Scruples in matter of Service) did write, on *Friday* three several Letters of like Content, to the Judges of the *Common Pleas*, and the *Barons* of the *Exchequer*, and the other three Judges of the *Kings Bench*, mentioning in that last, my particular Letter to my Lord *Chief Justice*.

This

This was all I did, and thought all had been sure, in so much as the same Day being appointed in *Chancery* for your Majesty's great Cause, (followed by my Lord *Hunsden* *) I writ two other Letters to both *Chief Justices*, to put them in mind of assisting my Lord *Chancellor* at the Hearing. And when my Lord *Chancellor* himself took some Notice upon that Occasion openly in the *Chancery*, that the *Commendams* could not hold presently after, I heard the Judges were gone about the *Commendams* ; which I thought at first, had been only to adjourn the Court. But I heard after, that they proceeded to Argument.

*This Case is reported by my Lord *Hobart*. p. 109.

In this their doing, I conceive they must either except to the Nature of the Commandment, or to the Credence thereof; both which, I assure my self, your Majesty will maintain.

For if they should stand upon the general Ground, * *nulli negabimus, nulli differemus Justitiam*, it receiveth two Answers. The *one* ; That reasonable and mature Advice may not be confounded, with delay ; and that they can well alledge when it pleaseth them. The *other* is that there is a great Difference between a Case meerly between Subject and Subject, and where the King's Interest is in Question directly or by Consequence. As for the *Attorney's* Place and Commission, it is as proper for him to signifie the *King's Pleasure* to the *Judges* ; as for the *Secretary* to signifie the same to the *Privy Council* ; and so it hath ever been.

* We will not deny, or delay doing Justice to any Person. *Magna Charta*.

These things were a little strange, if there came not so many of them together, as the one maketh the other seem less strange : But your Majesty hath fair Occasions to remedy all, with small Aid ; I say no more for the present.

I was a little plain with my Lord Coke in these Matters; and when his Answer was, that he knew all these things, I said he could never profit too much, in knowing himself, and his Duty.

LXXIII.

A Memorial for His Majesty. Copied from the Original, Corrected in a Place or two, with Sir Fra. Bacon's own Hand.

IT seemeth this Year, of the 14th, of his Majesty's Reign, being a Year of a kind of *Majority* in his Government, is consecrate to *Justice*. (a) Which as his Majesty hath performed to his Subjects in this late memorable Occasion, so he is now to render and perform to himself, his Crown and Posterity.

That his Council shall perceive by that which his Majesty shall now communicate with them, that the *Mafs* of his Business is continually prepared in his own Royal Care and Cogitations, howsoever he produceth the same to Light, and to act *per Opera dierum*. (b.)

(a) By the Laws, several Ages are assigned to Persons for several Purposes. And by the Common Law, the fourteenth Year is indeed a Kind of Majority, and accounted an Age of Discretion. At that time the Man may agree or disagree to a Precedent Marriage. The Heir in *Socage* may reject the Guardian appointed by Law, and chuse a new one. And the Woman at that Age shall be out of Ward, &c.

(b) *Per Opera Dierum*. By the *Work* of Days, alluding to the solemn Gradations Almighty God was pleased to observe in the creating of the World. In this Paragraph Sir Francis Bacon insinuates, what he expressly declares in his *Essays*. That in all Negotiations of Difficulty, a Man must first prepare Business, and so ripen it by Degrees.

That

That his Majesty shall make unto them now a *Declarative* of two great Causes, whereof he doubteth not they have heard by Glympses; the one concerning his high Court of *Chancery*, the other concerning the *Church* and *Prelacy*; but both of them deeply touching his Prerogative and Sovereignty, and the Flowers of his Crown.

That about the end of *Hillary Term* last, there came to his Majesty's Ears, only by common Voice and Report, not without great Rumour and Wonder, that there was somewhat done in the *Kings Bench* the last Day of that Term, whereby his *Chancery* should be pulled down, and be brought in Question for *Premunire* being the most heinous Offence after Treason, and Felony, and Misprision of Treason: and that the time should be, when the *Chancellor* lay at the Point of Death.

That his Majesty was so far from hearing of this by any Complaint from his *Chancellor* (who then had given over worldly Thoughts) that he wrote Letters of Comfort to him upon this Accident, before he heard from him; and for his *Attorney*, his Majesty challenged him for not advertising him of that, of which it was proper for his Majesty to be informed from him.

That his Majesty being sensible of this so great Novelty and Perturbation in his Courts of Justice; nevertheless used this Method and Moderation, That before he would examine this great Affront and Disgrace offered to his *Chancery* and *Chancellor*, he would first inform himself whether the *Chancery* or *Chancellor* were in Fault; and whether the former *Presidents* of *Chancery* did warrant the Proceedings there after Judgment passed at Common Law (which was the thing in Question) and thereupon his Majesty called his learned Coun-

Council to him and Commanded them to examine the Presidents of Chancery, and to certifie what they found; which they did, and by their *Certificate* it appeareth, that the Presidents of that kind, were many, and precise in the Point, and constant, and in good times, and allowed many times by the *Judges* themselves,

That after this; his Majesty received from the Lord Chancellor a Case, whereby the *Question* was clearly set down and contained within the proper Bounds of the present Doubt, being *Whether upon apparent Matter of Equity, which the Judges of the Law by their Place and Oath cannot meddle with or releive, (if a Judgment be once passed at Common Law) the Subject shall perish, or that the Chancery shall relieve him, and whether there be any Statute of Premunire or other, to restrain this Power in the Chancellor;* which Case upon the Request of the Lord Chancellor his Majesty likewise referred to his Learned Council, (and the Princes Attorney Mr. Walter was joined with them) who upon great Advice and View of the Original Records themselves, certified the *Chancery* was not restrained by any Statute in that Case.

That his Majesty again required his learned Council to call the Clerks of the *Kings Bench* to them, and to receive from them any Presidents of *Indictments* in the *Kings Bench* against the *Chancery* for proceeding in the like Case, who produced only two Presidents, being but *Indictments* offered or found, upon which there was no other Proceeding, and the Clerks said they had used Diligence and could find no more,

That his Majesty after he had received this Satisfaction that there was ground, for that the *Chancery* had done; and that the *Chancery* was not in fault; he thought then it was time to question the Misdemeanour
and

and Contempt, in scandalizing and dishonouring his Justice in that high Court of *Chancery*, in so odious a Manner: and commanded his *Attorney General* with the Advice of the rest of his learned Council, to prosecute the Offenders in the *Star-Chamber* which is done; and some of them are fled, and others stand out, and will not answer.

That there resteth only one part more, towards his Majesty's compleat Information in this Cause; which is to examine that which was done in open Court the said last Day of *Hillary Term*, and whether the Judges of the *King's Bench* did commit any Excess of Authority; or did animate the Offenders otherwise, than according to their Duty and Place; which Enquiry, because it concerneth the Judges of a Court (to keep Order and Decorum) his Majesty thinketh not so convenient to use his learned Council therein, but will commit the same to some of the *Council Table*, and his learned Council to attend them.

This declared, or what else his Majesty in his own high Wisdom shall think good: it will be fit time to have the *Certificate* of the learned Council openly read.

His Majesty may, if he please, forbear to publish at this time at the Table the *Committees*; but signifie his Pleasure to themselves afterwards.

The Committees named by his Majesty were the *Archbishop of Canterbury*, *Secretary Lake*, the *Chancellor of the Exchequer*, and the *Master of the Rolls*.

This Report is to be prefixed, to be given in by *Wednesday* at Night, that his Majesty may communicate it with his Council, and take further Order on *Thursday* thereupon, if his Majesty be so pleased.

At this Declaration, it is his Majesty's Direction (to the end things may appear to be the more evenly carried,)

ried,) that neither my Lord *Chancellor*, nor my *Chief Justice* be present.

But then when his Majesty entreth into the second Declarative, my Lord *Chancellor* is to be called for : but my Lord *Chief Justice* not ; because it concerneth him.

For the *Second Declarative*, that his Majesty hath Reason to be offended and grieved, in that which passed touching the *Commendams* both in Matter and Manner ; for the Matter, That his Majesty's Religious Care of the *Church* and of the *Prelacy*, and namely of his Lords Spiritual the Bishops, may well appear ; first, in that he hath utterly expelled those Sectaries or inconformable Persons that spurned at the Government. Secondly, That by a *Statute* made in the *first Year* of his *Reign*, he hath preserved their Livings from being wasted and delapidate by long Leases, and therein bound himself and his Crown and Succession : And lastly, That they see two Bishops privy Counsellors at the Table, which hath not been of late Years.

That agreeably to this, his Majesty's Care and good Affection, hearing that there was a Case of the Bishop of *Lincoln's*, wherein his Majesty's supreme Power of Granting *Commendams* (which in respect of the Exility of Bishopricks is sometimes necessary) was questioned to be overthrown or weakened ; he commanded his *Attorney General*, not only to have Care to maintain it according to his Place, but also that he should relate to his Majesty how things passed ; and did also Command the Bishop of *Winchester* to be present at the publick Argument of the Case ; and to report to his Majesty the true State of that Question, and how far it extended.

This

This being accordingly done ; then upon Report of the Bishop of *Winchester* in presence of the *Lord Chancellor* ; His Majesty thought it necessary, That before the Judges proceeded to declare their Opinion, they should have Conference with his Majesty to the end to settle some Course, that Justice might be done, and his Regal Power (whereof his Crown had been so long vested) not touched nor diminished. And thereupon commanded his *Attorney* (who by his Place ought properly to signifie his Majesty's Pleasure to his Judges, as his *Secretary* doth to his *Privy Council*) in the Presence of the Lord Chancellor and the Bishop, to signifie his Pleasure to the Judges, that because his Majesty thought it needful to consult with them in that Case, before they proceeded to Judgment, and that his Majesty's Business (as they all knew) was very great, and *Midsummer* Term so near at hand, and the Cause argued by his *Attorney* so lately, they should put off the Day till they might advise with his Majesty at his next Coming to Town. That his Majesty's *Attorney* signified so much by his Letters (the next Day after he, had received his Commandment) to all the Judges, and that in no imperious manner, but alledging the Circumstances aforesaid, that the Case was lately Argued ; his Majesty's Business great ; another Term at hand, &c.

Now followeth the *Manner* that was held in this, which his Majesty conceiveth was not only indiscreet, but presumptuous and contemptuous.

For *first*, they disobeyed this his Majesty's Commandment, and proceeded to publick Argument notwithstanding the same ; and thought it enough to certifye only their Mind to his Majesty.

Secondly, in a general *Letter* under all their Hands (howsoever it may be upon divided Opinion) they

alledge unto his Majesty their *Oath*; and that his Majesty's Commandment (for the *Attorney's* Letter, was but the Case that it was wrapped in) was against Law: As if Maturity and a deliberate Proceeding were a Delay, or that Commandment of Stay in respect of so high a Question of State, and Prerogative, were like a Commandment gotten by Importunity, or in Favour of a Suitor.

Thirdly, above all, it is to be noted and justly doubted, that upon the contrary in this that they have done, they have broken their *Oath*; For their *Oath* is to counsel the King when they shall be called; and if when the King calleth them to Council, they will do the Deed first, and give him Council after, this is more than a simple Refusal.

Lastly, it is no new Thing upon divers particular Occasions, of a far higher Nature, than the Consulting with their *Sovereign* about a Cause of great Moment, to put off Days, and yet no Breach of *Oath*. And there was another fair Passage well known to my Lord *Coke*, that he might have used if it had pleased him; for that every Day was appointed for the King's great Cause in the *Chancery*, both for my Lord *Hobart* and him; which Cause ought to have had Precedence afore any private Cause, as they would have this seem to be.

To this Letter his Majesty made a most Princely and prudent Answer, which I leave to it self.

Upon this *Declaration* his Majesty will be pleased to have the Judges Letter and his own Letter read.

Then his Majesty (for his part as I conceive) will be pleased to ask the Advice of his Council as well for the Stay of the new Day which is *Saturday* next, as for the Censure and Reproof of the Contempt passed; for though the *Judges* are a Reverend Body; yet they are (as all Subjects are) Corrigible.

To

LXXIV.

To Sir George Villiers.

S I R,

THE *King* giveth me a noble Choice; and you are the Man, my Heart ever told me, you were. Ambition would draw me, to the latter part of the Choice; but in respect of my hearty Wishes, that my Lord *Chancellor* may live long; and the small hopes I have, that I shall live long my Self; And above all, because I see his Majesty's Service, daily and instantly, bleedeth; towards which, I perswade my self, (vainly perhaps, but yet in mine own Thoughts, firmly and constantly) that I shall give, when I am of the *Table*, some effectual Furtherance, as a poor *Thred* of the Labyrinth, which hath no other Virtue, but an united Continuance, without Interruption or Distraction;) I do accept of the former, to be *Counsellor* for the present, and to give over *Pleading at Barr*; let the other Matter rest upon my Proof, and his Majesty's Pleasure, and the Accidents of Time. For to speak plainly, I would be loath, that my Lord *Chancellor*, to whom I owe most after the King, and your Self, should be locked to his *Successor*, for any Advancement, or graceing of me. So I ever remain,

June 3. 1616.

*Your true and most Devoted
and Most Obliged Servant,*

Fr. Bacon.

LXXV.

*To Sir George Villiers.**S I R,*

I Send his Majesty a Draught, of the *Act of Council*, concerning the *Judges* Letter; penned as near as I could to his Majesty's Instructions received in your Presence. I then told his Majesty, my Memory was not able, to keep way with his; and therefore his Majesty will pardon me for any Omissions, or Errours; and be pleased, to supply, and reform the same. I am preparing, some other Materials, for his Majesty's excellent Hand, concerning Business that is coming on. For since his Majesty, hath *renewed my Heart* within me, methinks, I should double my Endeavours. God ever preserve and prosper you; I rest,

June 12.
1616.

*Your most devoted and
bounden Servant,*

Fr. Bo

LXXVI.

LXXVI.

Touching the Commendams.

At Whitehall the Sixth of June, Anno 1616.

Present the KING's MAJESTY.

Lord Archbishop of Cant.

Lord Chancellor.

Lord Treasurer.

Lord Privy Seal.

Lord Chamberlain.

Duke of Lenox.

Lord Zouche.

Bishop of Winton.

Lord Knollys.

Lord Wotton.

Lord Stanhop.

Lord Fenton.

Mr. Vice-Chamberlain.

Mr. Secretary Winwood.

Mr. Secretary Lake.

Mr. Chancellor of the Excheq;

Master of the Rolls.

HIS Majesty having this day given Order for Meeting of the Council, and that all the Judges (being Twelve in Number) should be sent for to be present, when the Lords were sat, and the Judges ready attending; His Majesty came himself in Person to Council, and opened to them the Cause of that Assembly; which was that he had called them together concerning a Question that had Relation to no private Person, but concerned God and the King, the power of this Crown, and the State of his Church, whereof he was Protector; and that there was no fitter place to

It is very clear, that this is the Act of Council referred to in the preceding Letter, and drawn up by Sir Fr. Bacon, which being written in a fair manner, I accidentally bought, and have corrected several Errors therein. If any remain, as I believe the Reader will think there doth; it is because I had no opportunity to peruse the Council-Books.

handle

handle it, than at the Heads of his *Council-Table* : That there had been a *Question* pleaded and argued concerning *Commendams* ; The proceedings wherein had either been misreported or mishandled ; for his Majesty a year since had receiv'd Advertisements concerning the Cause in two Entrances, by some that Intrenched into his *Prerogative Royal*, in the General Power of Granting *Commendams* ; and by others, that the Doubt rested onely upon a special nature of a *Commendam*, such as in respect of the Incongruity and exorbitant form thereof might be questioned without impeaching or weakening the General Power of all.

Whereupon his Majesty willing to know the true state thereof, commanded the Lord *Bishop of Winchester*, and Mr. *Secretary Winwood* to be present at the next Argument, and to report the state of the Question and proceeding to his Majesty. But Mr. *Secretary Winwood* being absent by Occasion, the Lord of *Winchester* onely was present, and made Information to his Majesty of the Particulars thereof, which his Majesty Commanded him to report to the Board. Whereupon the Lord of *Winchester* stood up, and said, That *Serjeant Chiborne*, who argued the Cause against the *Commendams* had maintained divers Positions and Assertions very prejudicial to his Majesty's *Prerogative Royal* ; as first, That the Translation of *Bishops* was against the *Canon Law* ; and for Authority vouched the *Canons* of the *Council of Sardis* : That the King had not power to Grant *Commendams*, but in case of Necessity, that there could be no Necessity because there could be no need, for Augmentation of Living : For no Man was bound to keep Hospitality

Dr. *Bilson* the Bishop of *Winchester* here named, was a very Learned and Eminent Man. He died upon the 18th of *June* in the year 1616, and was succeeded by Dr. *Montague*.

above

above his Means: Besides many other parts of his Argument tending to the overthrow of his Majesty's Prerogative in case of *Commendams*.

The Lord of *Winchester* having made his *Report*, his Majesty resumed his former Narrative, letting the Lords know that after the Lord of *Winton* had made unto his Majesty a Report of that which passed at the Argument of the Cause, like in substance unto that which now had been made; his Majesty apprehending the Matter to be of so high a nature, Commanded his *Attorney General* to signifie his Majesty's pleasure unto the *Lord Chief Justice*; That in regard of his Majesty's most weighty Occasions, and for that his Majesty held it necessary upon the Lord of *Winton's* Report, that his Majesty be first consulted with, before the Judges proceed to argue it; therefore the day appointed for the Judges Argument, should be put off till they might speak with his Majesty, and this *Letter* of his Majesty's *Attorney*, was by his Majesty's Commandment, openly read as followeth, *in hæc verba*.

My Lord,

" IT is the King's expresse Pleasure, that because his
 " Majesty's time would not serve to have Confer-
 " ence with your *Lordship* and his *Judges* touching the
 " Cause of *Commendams*, at his last being in Town;
 " in regard of his Majesty's other most weighty Oc-
 " casions; and for that his Majesty holdeth it necessa-
 " ry, upon the Report which my Lord of *Winchester*,
 " (who was present at the last Arguments by his Ma-
 " jesty's Royal Commandment) made to his Majesty,
 " that his Majesty be first consulted with, e're there
 " be any further proceedings by Arguments by any of
 " the *Judges*, or otherwise; Therefore that the day
 " appointed for the further proceedings by Arguments
 " of

“ of the Judges in that case be put off till his Majesty's further Pleasure be known, upon consulting
 “ with him. And to that end that your Lordship
 “ forthwith signifie his Commandment to the rest of
 “ the Judges, whereof your Lordship may not fail : And
 “ so I leave your *Lordship* to God's Goodness.

This *Thursday* at After-
 noon the 25th of
April, 1616.

Your Loving Friend to Command,

Fr. Bacon.

That upon this Letter received, the *Lord Chief Justice* returned word to his Majesty's said *Attorney* by his Servant : That it was fit the rest of his Brethren should understand his Majesty's Pleasure immediately by Letters from his said *Attorney* to the *Judges* of the several *Benches*, and accordingly it was done : Whereupon all the said Judges assembled, and by their Letter under their Hands certified his Majesty that they held those Letters importing the signification aforesaid to be contrary to Law, and such as they could not yield to the same by their Oath ; and that thereupon they had proceeded at the day, and did now certifie his Majesty thereof ; which Letter of the Judges his Majesty also commanded to be openly read, the Tenor whereof followeth, *in hæc verba*.

Most Dread and most Gracious Sovereign,

“ **I**T may please your most Excellent Majesty to be
 “ advertised, That this Letter here inclosed was
 “ delivered unto me your *Chief Justice* on *Thursday* last
 “ in the Afternoon, by a Servant of your Majesty's
 “ *Attorney General*, and Letters of like effect were on
 “ the day following sent from him by his *Servant* to
 “ us your Majesty's Justices of every of the Courts at
 “ *West-*

“ *Westminster* ; We are and ever will be ready with
 “ all faithful and true hearts, according to our bound-
 “ den Duties to serve and obey your Majesty, and
 “ think our selves most happy to spend our Times and
 “ Abilities to do your Majesty true and faithful Ser-
 “ vice in this present Case mentioned in this Letter ;
 “ What Information hath been made unto you, where-
 “ upon Mr. *Attorney* doth Ground his Letter from the
 “ Report of the Bishop of *Winton* we know not ; This
 “ we know that the true substance of the Cause sum-
 “ marily is thus : It consisteth principally upon the
 “ Construction of two *Acts* of *Parliament*, the one of
 “ the 25th year of King *Edw.* 3. and the other of the
 “ 25th year of King *Hen.* 8. whereof your Majesty’s
 “ Judges upon their Oaths, and according to their
 “ best Knowledge and Learning are bound to deliver
 “ their true Understanding, Faithfully and Uprightly ;
 “ and the Case between two for private Interest and
 “ Inheritance earnestly called on for Justice and Expe-
 “ dition. We hold it our duty to inform your Majesty,
 “ That our Oath is in these expresse words, *That in*
 “ *Case any Letters come unto us contrary to Law, that we*
 “ *do nothing by such Letters but certifie your Majesty*
 “ *thereof, and go forth to do the Law, notwithstanding*
 “ *the same Letters* ; We have advisedly considered of
 “ the said Letter of Mr. *Attorney*, and with one consent
 “ do hold the same to be contrary to Law, and such
 “ as we could not yield to the same by our Oath, as-
 “ suredly perswading our selves that your Majesty be-
 “ ing truly informed, that it standeth not with your
 “ Royal and Just Pleasure to give way to them. And
 “ therefore knowing your Majesty’s zeal to Justice, to
 “ be most renowned, therefore we have according to
 “ our Oaths and Duties at the very day prefixed the
 “ last term, proceeded and thereof certified your
 “ Majesty.

“ Majesty, and shall ever pray to the *Almighty* for your
 “ Majesty in all Honour, Health and Happiness long
 “ to Reign over us.

Serjeants-Inn, 251b
 Apr. 1616.

*Edw. Coke, Henry Hobarte, Laur.
 Tanfield, Pet. Warburton, George
 Snigge, Ja. Altham, Ed. Brom-
 ley, John Croke, Humphry Winche,
 John Dodderidge, Augustine Nic-
 colls, Robert Houghton.*

His Majesty having Considered of this Letter, by his Princely Letters returned Answer, reporting himself to their own Knowledge and Experience what Princely care he hath ever had, since his coming to the Crown, to have Justice duly Administred to his Subjects, with all possible Expedition, and how far he was from crossing or delaying of Justice, when the Interest of any private Person was questioned. But on the other side expressing himself, that where the Case concerned the High Powers and *Prerogatives* of his Crown, he would not endure to have them wounded through the sides of a private Person; admonishing them also, lastly, of a Custom lately entertained, of a greater boldness to dispute the high Points of his Majesty's Prerogative in a Popular and Unlawful liberty of Argument more than in former times: And making them perceive also how weak and impertinent the pretence of Allegation of their *Oath* was in a Case of this Nature, and how well it might have been spared, with many other weighty Points in the said Letter contained: Which Letter also by his Majesty's Appointment and Commandment was publickly read *in hæc verba*.

James

James Rex,

“ **T**Rusty and Welbeloved *Counsellors*, and Trusty
 “ and Welbeloved, we Greet you well. We per-
 “ ceive by your Letter that you conceive the Com-
 “ mandment given you by our *Attorney General* in our
 “ Name to have proceeded upon wrong Information;
 “ But if you list to remember what Princely care we
 “ have ever had since our coming to this Crown, to
 “ see Justice duly Administred to our Subjects, with
 “ all possible expedition; and how far we have ever
 “ been from urging the delay thereof in any sort you
 “ may safely perswade your selves that it was no small
 “ reason that moved us to send you that direction:
 “ You might very well have spared your labour
 “ in informing us of the Nature of your Oath; For
 “ although we never studied the *Common Law* of *En-*
 “ *gland*; yet are we not ignorant of any Points which
 “ belong to a King to know; We are therefore to in-
 “ form you hereby, that we are far from crossing or
 “ delaying any thing which may belong to the Interest
 “ of any private party in this Case, but we cannot
 “ be contented to suffer the *Prerogative Royal* of our
 “ Crown to be wounded through the sides of a pri-
 “ vate Person; We have no care at all which of the
 “ Parties shall win his Process in this Case, so that
 “ right prevail, and that Justice be truly Administred.
 “ But on the other side, we have reason to foresee
 “ that nothing be done in this Case which may
 “ wound our *Prerogative* in General; and therefore
 “ so that we may be sure that nothing shall be debated
 “ amongst you which may concern our general pow-
 “ er of giving *Commendams*, we desire not the Parties
 “ to have one hours delay of Justice, but that our Pre-
 “ rogative should not be wounded in that regard for

“ all times hereafter upon pretext of private Persons
“ Interest, we sent you that direction ; which we ac-
“ count as well to be wounded if it be publicly dis-
“ puted upon, as if any sentence were given against
“ it. We are therefore to admonish you, That since
“ the *Prerogative* of our Crown hath been more bold-
“ ly dealt withal in *Westminster-Hall*, during the time
“ of our Reign, then ever it was before in the Reigns
“ of divers Princes immediately preceding us, that
“ we will no longer endure that popular and unlaw-
“ ful Liberty ; and therefore we were justly moved to
“ send you that direction to forbear to meddle in a
“ Cause of so tender a nature, till we had further
“ thought upon it. We have cause indeed to rejoice
“ of your zeal for your speedy Execution of Justice :
“ But we would be glad that all our Subjects might
“ so find the Fruits thereof, as that no *Pleas* before
“ you were of older date than this is. But as to your
“ Argument, which you found upon your *Oath*, you
“ give our Predecessors who first founded the Oath, a
“ very charitable meaning, in perverting their inten-
“ tion and zeal to Justice, to make a Weapon of it, to
“ use against their Successors : For although your Oath
“ be, that you shall not delay Justice between any pri-
“ vate Persons or Parties, yet was it not meant that the
“ King should thereby receive harm, before he be
“ forewarned thereof : Neither can you deny but that
“ every Term, you will out of your own Discretions,
“ for Reasons known unto you, put off either the
“ hearing or determining of any Ordinary Cause be-
“ betwixt private Persons till the next Term follow-
“ ing. Our Pleasure therefore is, who are the Head
“ and Fountain of Justice under God in our Domini-
“ ons, and we out of our absolute Power and Autho-
“ rity Royal do Command you, that you forbear to
“ meddle

“ meddle any further in this *Plea* till our coming to
 “ Town, and that out of our own Mouth you hear
 “ our Pleasure in this Business; which we do out of
 “ the care we have, that our *Prerogative* may not re-
 “ ceive an unwitting and indirect blow; and not to
 “ hinder Justice to be administred to any private Par-
 “ ties, which no Importunities shall perswade us to
 “ move you in. Like as only for the avoiding of your
 “ unreasonable Importunity of Suitors in their own
 “ particular, that Oath was by our Predecessors Or-
 “ dained to be ministred unto you, so we wish you
 “ heartily well to fare.

Postscript.

You shall upon the Receipt of this Letter call our
Attorney General unto you, who will inform you
 of the particular Points which we are unwill-
 ing to be disputed of in this Case.

This Letter being read, his Majesty resolved to
 take into his Consideration the parts of the *Judges* Let-
 ter and other their Proceedings in that Cause, and the
 Errors therein contained and committed; which Errors
 his Majesty did set forth to be both in *Matter* and *Man-
 ner*; In *Matter*, as well by way of Omission as Com-
 mission; for *Omission* that it was a Fault in the Judges,
 that when they heard a *Counsellor* at the *Barr* presume
 to Argue against his Majesty's Prerogative, which in
 this Case, was in Effect his Supremacy, they did not
 interrupt and reprove sharply that base and bold Course
 of Defaming or Impeaching things of so high a Na-
 ture by Discourse; especially since his Majesty hath
 observed, that ever since his Coming to the Crown,
 the popular Sort of *Lawyers* have been the Men, that
 most

most affrontedly in all *Parliaments* have trodden upon his Prerogative, which being most contrary to their Vocation of any Men, since the Law nor Lawyers can never be respected, if the King be not revered. It doth therefore best become the Judges of any, to check and bridle such impudent Lawyers, and in their several Benches to disgrace them that bear so little Respect to their King's Authority and Prerogative: That his Majesty had a *double Prerogative*, whereof the one was *Ordinary*, and had Relation to his private Interest, which might be, and was every day disputed in *Westminster Hall*; The other was of an higher Nature, referring to his *Supreme and Imperial Power* and Sovereignty which ought not to be disputed or handled in vulgar Argument: But that of late the *Courts* of the *Common Law* are grown so vast, and transcendent as they did both meddle with the King's Prerogative, and had inroached upon all other Courts of Justice; as the *High Commission*, the *Councils* established in *Wales*, and at *Tork*, the Court of *Requests*.

Concerning that which might be termed *Commission*, his Majesty took Exception at the Judges Letter both in Matter and Form; for Matter, his Majesty plainly demonstrated, That whereas it was contained in the Judges Letter, That the Signification of his Majesty's Letter as aforesaid, was contrary to Law; and not agreeable to the Oath of a Judge, That could not be: *First*, for that the putting off any Hearing or Proceeding upon any just or necessary Cause, is no denying or delaying of Justice, but Wisdom and Maturity of Proceeding: And that there cannot be a more just and necessary Cause of Stay, than the Consulting with the King, where the Cause concerns the Crown: And that the Judges did daily put off Causes upon lighter Occasions; And likewise his Majesty did desire to know

know of the Judges, how his Calling them to Consult with him was contrary to Law, which they could never Answer unto.

Secondly, That it was no bare Supposition or Surmise, that this Cause concerned the King's *Prerogative*; for that it had been directly and plainly disputed at the *Barr*; and the very disputing thereof in a publick Audience, is both dangerous and dishonourable to his Majesty.

Thirdly, That the manner of the putting off that which the King required, was not infinite nor long time, but grounded upon his Majesty's weighty Occasions, which were notorious; by Reason whereof he could not speak with the Judges before the Argument; And that there was a certain Expectation of his Majesty's Return at *Whitfontide*. And likewise that the Cause had been so lately handled and argued, and would not receive Judgment by the *Easter Term* next, as the Judges themselves afterwards confessed.

And afterwards, because there was another just Cause of Absence for the two *Chief Justices*, for that they ought to have assisted the *Lord Chancellor* the same Day in a great Cause of the King's, followed by the *Lord Hunsdon* against the *Lord William Howard* in *Chancery*; which Cause of the King's, especially being so worthy, ought to have had Precedency before any Cause betwixt Party and Party. Also where it was contained in the Judges Letter that the Cause of *Commendams*, was but a Cause of private Interest between Party and Party; his Majesty shewed plainly the contrary; not only by the Argument of *Serjeant Chiborne*, which was before his Commandment, but by the Argument of the Judges themselves, namely Justice Nic-

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cols which was after, but especially since one of the Parties is a *Bishop* who pleaded for the *Commendams* by the Virtue of his Majesty's Prerogative.

Also whereas it was contained in the Judges Letter, that the Parties called upon them earnestly for Justice, his Majesty conceived it to be but Pretence; Urging them to prove that there was any Solicitation by the Parties for Expedition, otherwise then in an ordinary Course of Attendance; which they could not prove.

As for the Form of the Letter, his Majesty Noted, that it was a new Thing, and very undecent and unfit for Subjects to disobey the King's Commandment, but most of all to proceed in the mean time, and to return to him a bare Certificate; whereas they ought to have concluded with the laying down and representing of their Reasons modestly to his Majesty, why they should proceed; and so to have submitted the same to his Princely Judgment, expecting to hear from him whether they had given him Satisfaction.

After this his Majesty's *Declaration*, all the *Judges* fell down upon their Knees, and acknowledged their Error for Matter and Form, humbly craving his Majesty's gracious Favour and Pardon for the same.

But for the Matter of the Letter, the *Lord Chief Justice* of the *Kings Bench* entred into a Defence thereof; The Effect whereof was; That the Stay required by his Majesty was a Delay of Justice, and therefore contrary to Law, and the Judges Oath; and that the Judges knew well amongst themselves, that the Case (as they meant to handle it) did not concern his Majesty's Prerogative of granting of *Commendams*. And that if the Day had not held by the not coming of the Judges, the Suit had been discontinued, which had been a failing of Justice, and that they could not adjourn it, because *Mr. Attorney's* Letter mentioned no Day

Day certain, and that an Adjournment must always be to a Day certain.

Unto which Answer of the *Chief Justice*, his Majesty did reply, that for the last Concept it was meer *Sophistry*, for that they might in their Discretions have prefixed a convenient Day, such as there might have been time for them to consult with his Majesty before, and that his Majesty left that Point of Form to themselves.

And for that other Point, that they should take upon them peremptorily to discern whether the Plea concerned the King's Prerogative, without consulting with his Majesty first, and informing his Princely Judgment, was a thing preposterous; For that they ought first to have made that appear to his Majesty, and so to have given him Assurance thereof upon consulting with him.

And for the *Matter*, that it should be against the Law, and against their Oath, his Majesty said he had spoken enough before; unto which the Lord *Chief Justice* in effect had made no Answer, but only insisted upon the former Opinion; and therefore the King required the Lord *Chancellor* to deliver his Opinion upon that Point, whether the Stay that had been required by his Majesty were contrary to Law, or against the Judges Oath.

The *Chancellor* stood up and moved his Majesty that because this Question had Relation to Matter of Law, his Majesty would be informed by his learned Council first, and they first to deliver their Opinions which his Majesty commanded them to do.

Whereupon his Majesty's *Attorney General* gave his Opinion, that the putting off of the day in manner as was required by his Majesty to his Understanding, was without all scruple no delay of Justice, nor danger of

the Judges Oath ; insisting upon some of the Reasons which his Majesty had formerly opened, and adding that the Letter he had formerly written by his Majesty's Command, was no Imperious Letter ; as to say his Majesty for certain causes, or for causes known to himself, would have them put off the day ; but fairly and plainly expressed the Causes unto them, for that the King conceived upon my *Lord of Winton's* Report, that the Cause concerned him ; and that his Majesty would have willingly spoken with them before, but by reason of his important Business could not, and therefore required a stay till they might conveniently speak with him, which they knew could not be long. And in conclusion of his Speech wished the *Judges* to consider seriously with themselves, whether they were not in greater danger of Breach of their Oaths by the proceedings than they would have been by their stay ; For that it is part of their Oath to counsel his Majesty when they are called ; and if they will proceed first in a Business whereupon they are called to Counsel, and will Counsel him when the Matter is past, it is more than a simple Refusal to give him Council ; and so concluded his Speech, and the rest of the learned Council consented to his Opinion.

Whereupon the *Lord Chief Justice* of the *Kings Bench* answering nothing to the Matter, took Exception that the King's Council, Learned should plead or dispute with the Judges ; For he said they were to plead before Judges and not to dispute with them. Whereunto the King's *Attorney* replied, that he found that Exception strange, for that the King's Learned Council, were by Oath and Office, and much more where they had the King's express Commandment, without Fear of any Man's Face, to proceed or declare against any the greatest Peer or Subject of the Kingdom ; and not
onely

onely any Subject in particular, but any Body of Subjects or Persons were they Judges, or were they of an Upper or lower House of *Parliament*, in Case they exceed the Limits of their Authority, or took any thing from his Majesty's Royal Power or Prerogative: And so concluded, that this Challenge, and that in his Majesty's Presence, was a Wrong to their Places, for which he and his Fellows did appeal to his Majesty for Reparation. And thereupon his Majesty did affirm, that it was their Duty so to do, and that he would maintain them therein, and took Occasion afterward again to speak of it, for when the Lord *Chief Justice* said he would not dispute with his Majesty, the *King* replied, That the *Judges* would not dispute with him, nor his Learned Council might not dispute with them; so whether they did well or ill, it must not be disputed.

After this the Lord *Chancellor* declared his Mind plainly and clearly, that the Stay that had been by his Majesty required, was not against the Law, nor a Breach of the Judges Oath, and required that the Judges Oath it self, might be read out of the Statute, which was done by the King's *Solicitor*, and all the Words thereof weighed and considered.

Thereupon his Majesty and the *Lords* thought good, to ask the *Judges* severally their Opinions; the Question being put in this Manner: *Whether if at any time, in a Case depending before the Judges his Majesty conceived it to concern him either in Power or Profit, and thereupon required to consult with them and that they should stay Proceedings in the mean time; they ought not to stay accordingly:* They all (the Lord *Chief Justice* onely excepted) yielded that they would, and acknowledged it to be their Duties so to do: Onely the Lord *Chief Justice* of the *Kings Bench* said for Answer, That when the Case should be, he would do that which should be fit

for a Judge to do. And the Lord *Chief Justice* of the *Common-Pleas* who had assented with the rest, added that he would ever trust the Justice of his Majesty's Commandment. After this was put to a point, his Majesty thought fit, in respect of the further Day of Argument, appointed the *Saturday* following for the *Commendams*, to know from his Judges what he might expect from them concerning the same. Whereupon the Lord of *Canterbury* breaking the Case into some Questions, his Majesty did require his Judges to deal plainly with him, whether they meant in their Argument to touch the general Power of Granting *Commendams*, yea or no. Whereupon all the said Judges did promise and assure his Majesty, that in the Argument of the said Case of *Commendams* they would speak nothing, which should weaken or draw into Doubt his Majesty's Prerogative for Granting of them; but intended particularly to insist upon the Points of *Lapse*, and other Judicial Points of this Case, which they conceived to be of a Form differing from all other *Commendams* which have been practised.

The Judges also went further, and did promise his Majesty that they would not onely abstain from speaking any thing to weaken his Majesty's Prerogative of *Commendams*, but would directly and in plain Terms affirm the same, and correct the erroneous and bold Speeches which had been used at the *Barr* in derogation thereof.

Also the Judges did in general acknowledge and profess with great forwardness, that it was their Duty, if any *Counsellor* at the *Law*, presumed at any time to call in Question his Majesty's high *Prerogative*, that they ought to reprehend them, and silence them, and all promised so to do hereafter.

Lastly,

Lastly, the two Judges that were then next to argue, Mr. Justice *Dodderidge* and Mr. Justice *Winche*, opened themselves unto his Majesty thus far; That they would insist chiefly upon the *Lapse*, and some Points of Uncertainty, Repugnancy, and Absurdity; being peculiar to this *Commendam*; and that they would shew their Dislike of that which had been said at the Barr, for the weakening of the General Power; and Mr. Justice *Dodderidge* said he would conclude for the King, that the Church was void and in his Majesty's Gift; he also said that the King might give a *Commendam* to a Bishop either before or after his Consecration, and that he might give it him during his Life, or for a certain Number of Years.

The Judges having thus far submitted and declared themselves, his Majesty commanded them to keep the Bounds and Limits of their several Courts, not to suffer his Prerogative to be wounded by rash and unadvised Pleading before them, or by new Invention of Law: For as he well knew the true and antient *Common Law* is the most favourable for Kings of any Law in the World; so he advised them to apply their Studies to that antient and best Law, and not to extend the Power of any other of their Courts beyond their due Limits; following the *Presidents* of the best antient Judges in the times of the best Government; and that then they might assure themselves that he for his part in his Protection of them, and expediting of Justice, would walk in the Steps of Antient and best Kings. Whereupon he gave them Leave to proceed in their Argument.

When the *Judges* were removed, his Majesty that had forbore to ask the Voices and Opinions of his *Council* before the Judges, because he would not pre-judicate the Freedome of the Judges Opinion, concerning

ing whether the Stay of Proceedings that had been by his Majesty required, could by any Construction be thought to be within the Compass of the Judges Oath (which they had heard read unto them) did then put the Question to his Council; who all with one Consent did give Opinion, that it was far from any Colour or Shadow of such Interpretation, and that it was against *common Sense* to think the contrary, especially since there is no mention made in their *Oath of Delay of Justice*, but only that they should not *deny Justice*, nor be moved by any of the King's Letters, to do any thing contrary to Law or Justice.

G. Cant.
Th. Suffolk.
Pembroke.
Lenox.
John Digby.
Tho. Lake.
Ful. Cæsar.

Tho. Ellesmere Canc.
E. Worcester.
Nottingham.
W. Knollys.
Ralph Winwoode.
Fulke Greville.
Fra. Bacon.

LXXVII.

✓
To Sir George Villiers.

S I R,

I do think you may do your Self Honour, and, that which is more, do a good Work; if you will assist, and perfect a Motion begun, (and that upon a good Ground, both of Submission and Conformity,) for

for the restoring, of *Doctor Burges*, to preach ; (*a*) And I wish, likewise, that if *Grayes Inne* should think good, (after he is free from the State,) to chuse him, for their Preacher, his Majesty should not be against it : For certainly, we should watch him well, if he should fly forth ; so as he cannot be placed, in a more safe *Auditory*. This may seem a Trifle, but I do assure you, I do scarce know a particular, wherein you may open more honest Mouths, to speak Honor of you, than this. And I do extremely desire, there may be a full Cry, from all sorts of People, (especially the best,) to speak, and to trumpet out your Commendations. I pray you take it to heart, and do somewhat in it. I rest,

June 12.
1616.

*Your devoted and
bounden Servant,*

Fr. Bacon.

(*a*) I presume Mr. *Attorney* did not succeed in his Desires, but that not long after *Doctor Burgesse* was presented to the Parsonage of *Sutton-Colfield* in *Warwickshire*. In 1620. he attended Sir *Horace Vere*, into the *Palatinate*, when that noble General conducted thither a gallant Regiment the largest for Number, and greatest for Quality, (being much composed of Gentlemen) that had been seen.

LXXVIII.

From the Original.

To Sir George Villiers.

S I R

There is a Particular wherein I think you may do your self Honor, which as I am informed hath been

been laboured by my *Lady of Bedford* (*a*) and put in good way by the *Bishop of Bathe and Wells* (*b*) concerning the restoring to preach of a famous Preacher, one Doctor *Burgesse*, who though he hath been silenced a great time, yet he hath now made such a Submission touching his *Conformity*, as giveth Satisfaction. It is much desired also by *Grays Inne* (if he shall be free from the State,) to chuse him for their Preacher: And certainly it is safer to place him there, than in another *Auditory*, because he will be well watched, if he should any ways fly forth in his Sermons beyond Duty. This may seem a Trifle ; but I do assure you, in opening this Man's Mouth to preach; you shall open very many Mouths to speak Honor of you; and I confess I would have a full Cry of *Puritans*, of *Papists*, of all the *World* to speak well of you; And besides I am perswaded, (which is above all earthly Glory) you shall

(*a*) Having occasionally mention'd two or three *Ladies*, eminent for their Wit and Beauty ; I could not in good Manners pass over in Silence my *Lady of Bedford* ; so much celebrated for both, by that rare Wit of his Time Doctor *Donne* ; and by that of our own Time Sir *William Temple*, for the admirable Disposition of her Garden at *Moor-Park*. She was Sister and Coheir to the last Lord *Harrington of Exton* ; who dying in the entrance of the Year 1614. and the 22th of his Age, revived in the Nation, the Senseit had of the Loss of Prince *Henry*, as being a young Nobleman of great Hopes and Piety. This Lady disposed of much of the Estate she had from her Brother ; selling *Burley* upon the *Hill* in the County of *Rutland*, to the then Marquis of *Buckingham*, where he afterwards adorned the Seat with noble Structures, which were destroy'd in the Time of our Civil Wars. But this Place is now recovering its ancient Splendor at the expence and by the direction, of its present Lord the Earl of *Nottingham*.

(*b*) This Bishop was 5th Son to Sir *Edward Montague*, and Brother to *Edward* the first Lord *Montague of Boughion*, a Prelate of great Learning and Eloquence, and very Munificent ; and by some called King *James's* Ecclesiastical Favourite. In 1616. he was translated to *Winchester*, and dying in two years time, he was buried in the Body of the Cathedral Church of *Bathe*, which with great Cost and Care he had preserved from the Ruines, which Time and Neglect were bringing upon it.

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do God good Service in it. I pray deal with his Majesty in it. I rest

June 13.
1616.

Your devoted and bounden Servant.

Fra. Bacon.

LXXIX.

From the Original. (a)

To Sir George Villiers.

S I R,

BEcause I am uncertain whether his Majesty will put to a Point, some Resolutions touching *Ireland*, now at *Windsor*; I thought it my Duty to attend his Majesty by my Letter, (and thereby to supply my Absence) for the renewing of some former Commissions for *Ireland*, and the framing of a new Commission for the *Wards* and the *Alienations*, which appertain properly to me as his Majesty's *Attorney*, and have been accordingly referred by my *Lords*. I will undertake that they are prepared with a greater Care, and better Application to his Majesty's Service in that Kingdom, then heretofore they have been; and therefore of that I say no more. And for the Instructions of the new *Deputy*, they have been set down by the two *Secretaries*; and being things of an ordinary Nature, I do not see but they may pass.

But there have been three *Propositions* and Councils, which seem to me of very great Importance: Wherein I think my self bound to deliver to his Majesty my Advice and Opinion, if they should now come in Question.

(a) This Letter is printed in the *Resuscitatio* and *Cabala*, but is here corrected in some places by the Original.

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The *First* is, touching the *Recusant Magistrates* of the Towns of *Ireland*, and the *Communalty's* themselves their Electors ; what shall be done. Which Consultation ariseth from the late Advertisements from the two Lords *Justices*, upon the Instance of the two Towns, *Limerick* and *Kilkenny*; in which Advertisement they represent the Danger onely, without giving any Light for the Remedy; rather warily for themselves, than agreeably to their Duties, and Place.

In this Point, I humbly pray his *Majesty*, to remember, that the Refusal is not, of the *Oath of Allegiance*, (which is not enacted in *Ireland*;) but of the *Oath of Supremacy*, which cutteth deeper into Matter of Conscience. Also, that his Majesty will, out of the depth of his Excellent Wisdom, and Providence, think, and as it were, calculate with himself; Whether *Time*, will make more, for the Cause of Religion, in *Ireland*, and be still more, and more, propitious; Or whether deferring Remedies, will not make the Case more difficult. For if Time, give his Majesty Advantage, what needeth Precipitation, to extreme Remedies? But if Time will make the Case more desperate, then his *Majesty* cannot begin too soon. Now in my Opinion, Time will open, and facilitate Things, for Reformation of Religion there; And not shut up, or block the same. For first, the *Plantations* going on, and being, principally, of *Protestants*, cannot but mate the other Party in Time: Also, his Majesty's Care, in placing good *Bishops*, and Divines; In amplifying the *College* there; And in looking, to the Education of *Wards*, and the like; As they are, the most Natural Means, so are they like, to be the most effectual, and happy, for the Weeding out of *Popery*, without using the Temporal Sword; So that, I think, I may truly conclude, that the *Ripeness* of *Time*, is not yet come.

There-

Therefore my Advice, in all Humbleness is, that this hazardous Course, of Proceeding, to tender the *Oath*, to the *Magistrates* of Towns, proceed not, but dye by degrees. And yet, to preserve the Authority, and Reputation of the former Council, I would have somewhat done; which is, that there be a Proceeding, to Seizure of *Liberties*; But not by any Act of Power, but by *Quo Warranto*, or *Scire facias*; which is a Legal Course; And will be the Work of three, or four, Terms; By which time, the Matter will somewhat cool.

But I would not (in no Case,) that the Proceeding should be with both the Towns, which stand now in Contempt, but with one of them onely; choosing that, which shall be thought most fit. For if his Majesty, proceed with both, then all the Towns, that are in the like Case, will think it a common Cause; And that it is, but their Case to day, and their own to morrow. But if his Majesty proceed but with one, the Apprehension and Terror, will not be so strong; For they will think, it may be their Case, as well to be spared, as prosecuted; And this is the best Advice, that I can give to his Majesty, in this Streight; And of this Opinion, seemed my *Lord Chancellor*, to be.

The *Second Proposition* is this: It may be, his Majesty will be moved, to reduce the Number, of his *Council* of *Ireland*, which is now almost Fifty, to Twenty, or the like Number; In respect, the Greatness of the Number, doth both embase the Authority, of the *Council*, and divulge the Business. Nevertheless, I do hold this *Proposition*, to be rather specious, and solemn, than needful at this time; For certainly, it will fill the *State*, full of Discontentment; which, in a Growing and unsetled Estate, ought not to be.

Letters and Memoires.

This I could wish, that his Majesty would appoint a select Number of *Counsellors* there, which might deal in the Improvement, of his *Revenue*; (Being a Thing not fit to pass through too many Hands;) And that the said selected Number, should have Days of Sitting, by themselves; At which, the rest of the *Council*, should not be present; Which being once settled, then other principal Business of *State*, may be handled at those Sittings; and so the rest begin to be disused, and yet retain their Countenance, without Murmur or Disgrace.

The *Third Proposition*, as it is wound up, seemeth to be pretty, if it can keep promise: For it is this, That a Means may be found, to re-enforce his Majesty's Army there by 500, or a 1000 Men; And that, without any Penny Encrease of Charge. And the Means should be; that there should be a Commandement of a Local Removing, and transferring some Companies, from one Province, to another: whereupon it is supposed, that many, that are planted, in House, and Lands, will rather leese their Entertainment, than remove: And thereby, new Men may have their Pay, and yet the old, be mingled in the Country, for the Strength thereof.

In this *Proposition*, two things may be feared: The one, Discontent of those, that shall be put off: The other, that the Companies shall be stuffed with *Tyrones*, instead of *Veterani*. I wish therefore, that this *Proposition*, be well debated, ere it be admitted. Thus, having performed that, which Duty binds me to; I commend you, to God's best preservation.

Gorhambury,
July 5. 1616.

Your most devoted, and bounden
Servant,

Fra. Bacon.
LXXX.

LXXX.

To Sir George Villiers.

S I R,

I send you the *Bill* for his Majesty's Signature, reformed according to his Majesty's Amendments, both in the two places, (which, I assure you, were both altered with great Judgement;) And in the Third place, which his Majesty termed a Question onely. But he is an idle Body, that thinks his Majesty, asks an idle *Question*; And therefore, his Majesty's Questions, are to be answered, by Taking away the Cause of the *Question*, and not by Replying,

For the Name, his Majesty's Will is a Law in those things; And to speak Truth, it is a well-sounding, and Noble Name, both here, and abroad: And being your proper *Name*, I will take it, for a good Sign, that you shall give Honour, to your Dignity, and not your Dignity to you. Therefore I have made it *Viscount Villiers*: And for your *Baronry*, I will keep it for an *Earldom*: For though the other, had been more orderly, yet that is as usual, and both alike good in Law.

For *Roper's* place, I would have it by all means, dispatched. And therefore, I marvail, it lingreth. It were no good manners, to take the Business, out of my Lord *Treasurer's* hands; And therefore, I purpose to write to his Lordship, if I hear not from him first, by Mr. *Deccomb*. But if I hear of any Delay, you will give me leave, (especially since the King named me,) to deal with Sir *John Roper*, my Self; For neither I, nor my Lord *Treasurer*, can deserve any great thanks of you, in this Business, considering the King
hath

hath spoken to Sir *John Roper*, and he hath promised ; And besides, the thing it self, is so reasonable, as it ought, to be as soon done, as said. I am now gotten, into the Countrey, to my House, where I have some little Liberty, to think of that, I would think of, and not of that, which other Men Hourly break my Head withall, as it was at *London*. Upon this, you may conclude, that most of my Thoughts, are of his *Majesty* ; And then, you cannot be far off. God ever keep you, and prosper you. I rest alwayes,

Aug. 5.
1616.

*Tour true and most devoted
Servant,*

Fr. Bacon.

LXXXI.

✓ To Sir George Villiers.

S I R,

I have sent you now, your Patent of Creation of *Lord Blechley*, of *Blechley*, and of *Viscount Villiers*. *Blechley* is your own ; And I liked, the sound of the Name ; better than *Whaddon* : But the Name, will be hid, for you will be called *Viscount Villiers*. I have put them both in a *Patent*, after the manner of the Patent of Arms, where *Baronries* are joyned. But the chief Reason was, because I would avoid double Prefaces ; which had not been fit : Nevertheless the Ceremony of Robing, and otherwise, must be double : And now, because I am in the Country, I will send you, some of my *Country Fruits*, which, with me, are good *Meditations* ; which, when I am in the *City*, are choked with Business.

After

After that the *King*, shall have watred, your new *Dignities*, with his Bounty, of the Lands, which he intends you ; And that, some other things, concerning your means, which are now likewise in Intention, shall be settled upon you ; I do not see, but you may think, your private Fortunes established : And therefore, it is now time, that you should refer your Actions, chiefly, to the Good, of your *Sovereign*, and your *Country*. It is the life, of an Oxe, or a Beast, always to eat, and never to exercise ; But Men are born, (especially Christian Men,) not to cramm in their Fortunes, but to exercise their Vertues ; And yet, the other, have been the unworthy, and, sometimes, the unlucky humour, of great Persons, in our Times ; Neither will your further Fortune, be the further off. For assure your self, that *Fortune* is of a womans Nature, that will sooner follow you by slighting, than by too much Wooing : And in this Dedication, of your self to the Publick, I recommend unto you, principally, that which I think, was never done, since I was born ; And which not done, hath bred, almost, a Wilderness, and Solitude, in the *King's* Service : which is, that you countenance, and encourage, and advance, able, and vertuous Men, in all Kinds, Degrees, and Professions. For in the time of some *late* great Counsellours, when they bare the Sway, able Men, were by design, and of purpose, suppressed : And though, now since, Choice goeth better, both in *Church* and *Commonwealth* ; yet Money, and Turn-serving, and Cunning Canvises, and Importunity, prevail too much. And in places of moment, rather make *Able*, and *Honest* Men, *yours*, than advance those, that are otherwise, because they are *yours* : As for Cunning, and Corrupt Men, you must, I know, sometimes use them, but keep them at a distance ; And let it appear, that you make use of them,

them, rather than that they lead you. *Above all*, depend wholly, (next to *God*,) upon the *King*; And be ruled, (as hitherto you have been,) by his Instructions; For that's best for your Self. For the *King's* Care, and Thoughts, concerning you, are according to the Thoughts, of a *great King*; whereas your Thoughts, concerning your Self, are, and ought to be, according to the Thoughts of a *Modest Man*. But let me not weary you: The Summ is, that you think *Goodness*, the best part of *Greatness*; And that you remember, whence your Rising comes, and make return accordingly. *God* ever keep you.

Aug. 12. 1616.

*Your true and most Devoted
Servant,*

Fr. Bacon.

The greatest Trust between man and man, is the Trust of *giving Counsel*, says Sir *Francis Bacon* in his *Essay of Counsel*, and in one of the following Letters. And which part surely no man could have discharged with greater Fidelity and Ability, then he did, in that Excellent Discourse contained in the *Cabala* p. 37, and presented to Sir *George Villiers* soon after he had been received into the King's Favour, and whereof this Letter is a sort of Abridgement. But therein Sir *Francis* doth descend into so particular a Consideration, how this new Favorite ought to govern himself in relation to all Degrees of Men; of the Good he might do, and the Evils he might prevent; that whosoever in his Circumstances shall observe and practise those Rules, must have very hard luck, if he doth not become as gracious in the Eyes of the People, as of the Prince.

LXXXII.

✓
To the KING.

It may please your most Excellent Majesty,

I Have sent, Sir *George Villiers* Patent, drawn again, containing also a *Baronry*; The Name *Blechley*, which

which is his own ; And to my Thinking, soundeth better than *Whaddon*. I have included both in one Patent, to avoid a double Preface, and as hath been used in the Patents of Earls, of like nature. Nevertheless, the Ceremony of Robing, and otherwise is to be double, as is also used in like case of Earls.

It resteth, that I express unto your Majesty, my great Joy, in your Honouring and Advancing this *Gentleman* : whom to describe, not with Colours but with true Lines, I may say this ; Your Majesty, certainly hath found out, and chosen a safe Nature, a capable Man, an honest Will, Generous and Noble Affections, and a Courage well lodged ; And one that, I know, loveth your Majesty unfeignedly ; And admireth you as much, as is in a Man, to admire his Sovereign, upon Earth. Onely, your Majesty's *School*, (wherein he hath already so well profited, as in this Entrance upon the Stage, being the Time of greatest Danger, he hath not committed any manifest Errour ;) will add Perfection, to your Majesty's comfort, and the great Contentment of your *People*. God ever preserve, and prosper your Majesty. I rest in all Humbleness,

Aug. 12. 1616.

*Your Majesty's, most bounden and
most devoted, Subject, and Servant,*

Fr. Bacon.

LXXXIII.

To Sir George Villiers.

SIR,

I Took much Contentment, in that, I perceive by your Letter, that you took in so good part, the

A a

Free-

Freedom of my Advice; And that your Self in your own Nature, consented therewith. *Certainly, no Service is comparable, to good Counsel*; And the Reason is, because no Man, can do so much, for another, as a Man, may do for himself: Now good Counsel helpeth a Man, to help himself. But you have so happy a *Master*, as supplyeth all. My Service, and good will, shall not be wanting,

It was graciously and kindly done also, of his *Majesty* towards me, to tell you, that you were beholding to me. But it must be then, for Thinking of you as I do; For otherwise, for Speaking as I think, it is but the part of an honest Man. I send you your *Patent*, whereof *God* give you Joy: And I send you here inclosed, a little Note of Remembrance, for that part of the *Ceremony*, which concerneth the *Patent*: For as for other *Ceremonies* I leave to others.

My *Lord Chancellor*, dispatcht your *Patent*, presently upon the Receit; And writ to me, how glad he was of it, and how well he wished you. If you writ to him, a few words of Thanks, I think, you shall do well. *God* keep you and prosper you. I ever rest,

August 20. 1616.

*Your true, and most
devoted, Servant.*

Fr. Bacon.

LXXXIV.

To Sir George Villiers.

S I R,

I am more and more bound, unto his *Majesty*, who, I think, knowing me to have other Ends, than Ambition,

bition, is contented to make me Judge of mine own Desires. I am now beating my Brains, (among many Cares, of his Majesty's Business,) touching the Redeeming the Time, in this Business of *Cloth*. The great Question is; How to miss, or how to mate the *Flemmings*; How to pass by them, or how to pass over them.

In my next Letter, I shall alter your Stile; but I shall never whilst I breath, alter mine own Stile; In being

Aug. 22. 1616.

*Your true, and most devoted,
Servant,*

Fr. Bacon.

LXXXV.

From the Original.

To the KING..

It may please your most Excellent Majesty,

First from the bottom of my heart, I thank the God of all Mercy and Salvation, that he hath preserved you from receiving any Hurt by your Fall; And I pray his divine Majesty ever to preserve you on Horseback and on Foot, from Hurt, and fear of Hurt.

Now touching the *Clothing* businesse; For that I perceive the Cloth goeth not off as it should, and that *Wiltshire* is now come in with Complaint as well as *Gloucestershire* and *Worcestershire*, so that this Gangreen creepeth on; I humbly pray your Majesty to take into your Majesty's Princely Consideration a Remedy for

the present stand, which certainly will do the Deed; and for any thing that I know will be Honorable and Convenient, though joyned with some losse in your Majesty's Customes, which I knowe in a businesse of this quality, and being but for an *Interim*, til you may negotiate, your Majesty doth not esteem. And it is this.

That your Majesty by your Proclamation, do forbid (after fourteen dayes, giving that time for suting mens selves) the wearing of any stufte made wholly of Silk, without mixture of Wool, for the space of six months. So your Majesty shall supply outward vent, with inward use, specially for the finer Cloths, which are those wherein the stand principally is, and which silk Wearers are likest to buy; And you shall shew a most Princely Care over thousands of the poor people; And besides your Majesty shall blowe a Horne, to let the *Flemings* know your Majesty will not give over the Chace. Again, the Winter season coming on is fittest for wearing of Cloth, and there is Scope enough left for bravery and vanity by lacing and embroydery, so it be upon Cloth or Stuffles of Wool.

I thought it my Duty to offer and submit this remedy, amongst others, to your Majesty's great Wisdom, because it pleas'd you to lay the Care of this businesse upon me, and indeed my Care did fly to it before, as it shall always do to any Knots and Difficultyes in your businesse, wherein hitherto, I have been not unfortunate, God ever have you in his most pretious Custody.

Sept 13. 1616.

*Your Majesties most faythful
and most bounden Servant.*

Fra. Bacon.

LXXXVI.

LXXXVI.

From the Original.

To the Lord Viscount Villers.

My very good Lord.

IT was my Opinion from the beginning, that this *Company* will never overcome the businesse of the *Cloth*; and that the Impediments are as much or more in the persons which are *Instrumenta animata* then in the dead businesse it selfe.

I have therefore sent unto the King here inclosed my *Reasons*, which I pray your Lordship to shew his Majesty.

The *new Company* and the *old Company* are but the Sons of *Adam* to me, and I take my self to have some Credit with both, but it is upon Fear rather with the Old, and upon Love rather with the New, and yet with both upon perswasion that I understand the businesse.

Neverthelesse I walk in *viâ regiâ*, which is not absolutely acceptable to either. For the new *Company* would have all their demands granted, and the old *Company* would have the King's Work given over and deserted.

My Opinion is, that the old *Company* be drawn to succeed into the Contract, (else the King's Honour suffereth) and that we all draw in one way to effect that. If *Time, which is the wisest of things*, prove the work impossible or inconvenient, which I do not yet believe, I know his Majesty and the State will not suffer them to perish.

I wish what shall be done, were done with Resolution and Speed, and that your Lordship (because it is a gracious businesse) had Thankes of it next the King; and that there were some *Commission* under his Majesties Sign Manual, to deal with some selected Persons of the Old Company, and to take their Answers and Consent under their hands, and that the procuring the Commission, and the procuring of their Offers to be accepted, were your Lordship's Work.

In this Treaty my Lord *Chancellor* must by no means be left out, for he will moderate well and aimeth at his Majesties ends.

Mr. *Solicitor* is not yet returned but I look for him presently. I rest

Monday 14th of
October at 10 of
the Clocke.

*Your Lordship's true and
most devoted Servant,*

Fr. Bacon.

LXXXVII.

From the Original.

Reasons why the new Company is not to be trusted and continued with the Trade of Clothes.

F*irst*, The Company Consists of a Number of Young men and Shopkeepers, which not being bred in the Trade, are fearful to medle with any of the Dear and fine Clothes, but only medle with the Course Clothes, which is every Mans skill; And besides having other Trades to live upon, they come in the Sunshine so long as things go well, and assoon as they meet with

with any Storme or Cloud, they leave Trade, and goe back to Shop keeping. Whereas the *old Company* were beaten Traders, and having no other means of living but that Trade, were fain to ride out all Accidents and Difficulties, (which being men of great ability) they were well able to do.

Secondly, These Young men being the Major part, and having a Kind of Dependance upon Alderman Cockaine, they Carry things by plurality of voices; And yet those few of the old Company which are amongst them do drive almost Three parts of the Trade; and it is impossible things should go well, *where one part gives the vote, and the other doth the work*; so that the execution of all things lyes Chiefly upon them that never Consented, which is meerly *Motus violentus*, and cannot last.

Thirdly; The new Company make Continually such new springing demands, as the State can never be secure nor trust to them, neither doth it seem that they do much trust themselves,

Fourthly, the present stand of Cloth at *Blackwell-hall* (which is that that presseth the State most, and is provided for but by a Temporary and weak remedy) is supposed would be presently at an end, upon the revivor of the Old; in respect that they are able Men and united amongst themselves.

Fifthly, in these Cases * *Opinio est veritate major*, * Opinion is greater than Reality. and the very voice and expectation of revivor of the old Company will Comfort the Clothiers, and encourage them not to lay down their Loomes.

Sixthly,

Sixthly, The very *Flemings* themselves (in regard of the pique they have against the new Company) are like to be more pliant and Tractable towards his Majesties ends and desires.

Seventhly, considering the Business hath not gone on well; his Majesty must either lay the Fault upon the *matter* itself, or upon the *persons* that have managed it; wherein the King shall best acquit his Honor, to lay it where it is indeed; that is, upon the Carriage and Proceedings of the new Company, which have been full of uncertainty and abuse.

Lastly, The Subjects of this Kingdom generally have an ill Taste and Concept of the new Company, and therefore the putting of them down, will discharge the State of a great deal of Envy.

LXXXVIII.

From the Original.

To the Lord Viscount Villiers.

My very good Lord,

NOW that the King hath receiv'd my Opinion, with the *Judges* Opinion unto whom it was referred, touching the Proposition for *Innes* in point of Law; It resteth that it be moulded and carried in that sort, as it may pass with best Contentment and Conveniency. Wherein I that ever love good Company, as I was joyned with others in the Legal poynt, so I desire not to be alone in the Direction touching the Conveniency. And therefore I send your Lordship

ship a Forme of Warrant for the King's Signature, where-
by the framing of the businesse and that which belong-
eth to it, may be referred to my self with Serjeant
Montague and Serjeant *Finch*; And though *Montague*
should change his place, that alteration hurteth not the
businesse, but rather helpeth it. And because the inqui-
ry and survey touching *Innes*, will require much Atten-
dance and Charge, and the making of the Licences, I
shall think fit (when that Question cometh to me) to
be † to the Justice of *Affise*, and not to those that fol-
low this busines: Therefore His Majesty may be
pleas'd to consider what proportion or Dividend shall
be allotted to Mr. *Mompesson*, and those that shall fol-
low it at their own charge, which useth in like Cases
to be a fifth (*a*) So I ever rest,

† Here the
word (re-
ferred) or
of the like
Nature is
omitted.

Nov. 13. 1616.

*Your Lordships true and most
devoted Servant,*

Fr. Bacon.

(*a*) I suppose it was not long after the Judges and Attorney general
had given the Opinion above mention'd, but that a *Patent* was granted for
Licencing of Common *Innes*; Under Colour whereof Sir *Giles Mompesson*
levyed several Summes of Money by way of Fines, as well as by yearly
Incomes from them; and Alehouses also by a subsequent Patent. Proceed-
ing therein with so much rigor; That it was complained of in the Parle-
ment which began in 16²⁰/₂₁, as one of the great grievances of the Nation;
The Patent declared illegal, and recalled by the King's Proclamation;
Mompesson and *Michel* the chief Projectors of this and some other Op-
pressions, severely censured according to their Demerits: The manner
of which may be seen in the Journals of that Parliament, and the Hi-
stories of those Times.

LXXXIX.

*From the Original.*To the Lord *Viscount Villiers.**My very good Lord.*

I think his Majesty was not onely well advised, but well inspired, to give Order for this same wicked Childe of *Cayn, Bertram*, to be examin'd before he was further proceeded with. And I for my part before I had receiv'd his Majesty's pleasure by my Lord *Chamberlayn* went thus far ; That I had appointed him to be further examin'd, and also had taken Order with with Mr. *Solicitor* that he should be provided to make some *Declaration* at his Tryal, in some solemn Fashion, and not to let such a strange Murder passe as if it had been but a Horsestealing.

But upon his Majesty's pleasure signified, I forthwith caused the Tryall, to be stayed, and examin'd the party according to his Majesty's Questions ; and also sent for the principal Counsel in the Cause, whereupon Sir *John Tyndal's* Report was grounded, to discern the Justice or Iniquity of the said Report as his Majesty likewise Commanded.

I send therefore the Case of *Bertram* truely stated and collected, and the examination taken before my Selfe and Mr. *Solicitor* ; whereby it will appear to his Majesty that Sir *John Tyndal* (as to this Cause) is a kind of a *Martyr* : For if ever he made a Just Report in his life, this was it.

But the Event since all this is, that this *Bertram* being, as it seemeth, indurate or in despair, hath hang-
ed

ed himsele in Prison ; of which accident, as I am sorry, because he is taken from Example, and public Justice ; so yet I would not for any thing, it had been before his Examination. So that there may be otherwise some Occasion taken either by some Declaration in the *Kings Bench* upon the return of the *Coroners Enquest*, or by some printed book of the Fact, or by some other means (whereof I purpose to advise with my Lord *Chancellor*) to have both his Majesty's royal Care, and the truth of the Fact, with the Circumstances manifested and published. (a)

For the taking a *Tye* of my Lord *Chief Justice* before he was placed, it was done before your letter came, and on tuesday, *Heath* and *Shute* shall be admitted and all perfected.

My Lord *Chancellor* purposeth to be at the *Hall* to morrowe, to give my Lord *Chief Justice* his Oath, I pray God it hurt him not this cold Weather. God ever prosper you.

Sunday night the
17th of Novemb.
1616.

Your true and most Devoted
Servant,

Fr. Bacon.

(a) This *Bertram*, who, according to *Camden* in his *Annals* of King *James* was a grave man above 70 years of age, and of a clear reputation, pistolled Sir *John Tyndal* a master in *Chancery*, on the 12th of November, for making a Report against him, in a Cause where the Sum contended for did not exceed 200 l. By his Examination taken the 16th. he confessed it to be as foul a Murther as ever was, under the sense of which he hanged himself the next day.

XC.

From the Original.

To the Lord Viscount Villiers.

My very good Lord.

I Am glad to find your Lordship mindful of your own business, and if any man put you in mind of it, I do not dislike that neither; But your Lordship may assure your self in whatsoever you commit to me, your Lordships further Care shall be needless. For I desire to take nothing from my *Master* and my *Friend*, but *Care*, and therein I am so Covetous, as I will leave them as little as may be.

Now therefore things are grown to a Conclusion, touching your *Land* and *Office*, I will give your Lordship an account of that which is passed; and acquaint your Judgement (which I know to be great and Capable of any thing) with your own business: that you may discern the Difference between doing things substantially, and between shuffling and talking: And first for your *Patent*.

First, It was my Counsel and Care that your *book* should be *Fee-Farme*, and not *Fee-Simple*; Whereby the Rent of the Crown in succession, is not diminished, and yet the quantity of the Land, which you have upon your value is enlarged: whereby you have both *Honor* and *Profit*.

Secondly, By the help of Sir *Lyonel Cranfield* I advanced the value of *Sherbourn* from 26000 *l.* (which was thought and admitted by my Lord *Treasurer* and Sir *John Deccomb* as a value of great Favor to your
Lord-

Lordship, because it was a thousand pound more, then it was valued at to *Somerſet*) to thirty two thousand pounds, whereby there was fix thousand pounds gotten and yet juſtly.

Thirdly, I adviſed the Courſe of rating *Hartington* at a hundred years Purchase and the reſt at thirty five years Purchase Fee-Farme, to be ſet down and expreſſed in the Warrant; that it may appear, and remain of Record, that your Lordſhip had no other Rates made to you in Favor, then ſuch as Purchaſers upon Sale, are ſeldom drawn unto; whereby you have *Honor*.

Fourthly, That Leaſe to the *Feoffees*, which was kept as a ſecret in the Decke (and was not onely of *Hartington*, but alſo of moſt of the other Particulars in your book,) I cauſed to be thoroughly looked into and provided for; without which your aſſurance had been nothing worth, And yet I handled it ſo, and made the matter ſo well underſtood, as you were not put to be a *Suitor* to the *Prince*, for his good will in it, as others ignorantly thought you muſt have done.

Fifthly, The *Annexation*, (a) (which no body dream't of, and which ſome idle bold Lawyer, would perhaps have ſaid, had been needleſs, and yet is of that weight, that there was never yet any man, that would purchaſe any ſuch Land from the King, except he had a Declaration to diſcharge it;) I was provident to have it diſcharg'd by *Declaration*.

Sixthly, Leſt it ſhould be ſaid, that your Lordſhip was the firſt (except the *Queen* and the *Prince*) that brake the *Annexation*, upon a mere Gift; For that others had it diſcharged onely upon Sale which was for the King's Profit and Neceſſity; I found a Remedy for

(a) The *Annexation* by which Lanls &c. were united or annexed to the Dutchys of *Cornwal* and *Lancaſter*.

that also; because I have carved it in the Declaration, as that this was not gift to your Lordship, but rather a Purchase and Exchange, (as indeed it was) for *Sherbourn*.

Seventhly and lastly, I have taken Order (as much as in me was) that your Lordship in these things which you have passed, be not abused, if you part with them; for I have taken Notes in a book of their values and former Offers.

Now for your Office.

First, Whereas my Lord *Teynham* at the first would have had your Lordship have had but one life in it, and he another; and my Lord *Treasurer*, and the *Solicitor* and *Deccombe* were about to give way to it; I turned utterly that Course, telling them that you were to have two Lives in it, as well as *Somerset* had.

Secondly, I have accordingly in the assurance from your *Deputies*, made them acknowledge the *Trust* and give Security not onely for your Lordships time, but after: so as you may dispose (if you should dye, which I would be sorry to live to) the Profits of the Office by your Will or otherwise to any of your Friends for their comfort and advancement.

Thirdly, I dealt so with *Whitlocke* as well as *Heath* as there was no Difficulty made of the *Surrender*.

Lastly, I did cast with my self, That if your Lordship's *Deputies*, had come in by Sir *Edward Cooke* who was tyed to *Somerset*, it would have been subject to some Clamor from *Somerset*, and some question what was forfeited by *Somerset's* Attainder (being but of *Felony*) to the King: But now they coming in from a new *Chief Justice*, all is without question or scruple.

Thus your Lordship may see my love and care towards you, which I think infinitely too little in respect

of

of the fulness of my Minde; But I thought good to write this, to make you understand better the state of your own businesse; doing by you as I do by the King; which is, to do his businesse *safely* and with *fore-sight*, not onely of to morrowe or next day, but as far off (b) and not to come fiddeling with a report to him what is done every day, but to give him up a good Sum in the end.

I purpose to send your Lordship a *Kalendar* fair written of those *Evidence* which concern your Estate, for so much as I have passed *my hands*; which in truth are not fit to remain with *Solicitors*, no nor with Friends, but in some great *Cabinet*, to be made for that purpose.

All this while I must say plainly to your Lordship, that you fall short for your present *Charge*, except you play the good Husband: For the *Office* of *Teynham* is in *Reversion*, *Darcy's* Land is in *Reversion*; all the Land in your bookes is but in *Reversion*, and yields you no present Profit because you pay the *Fee-Farme*. So as you are a strange *Heteroclite* in *Grammar*, for you want the *present Tense*; many *Verbes* want the *præterperfect tense* and some the future tense, but none want the present tense. I will hereafter write to your Lordship, what I think of for that Supply; to the end, that you may, as you have begun to your great *Honor*, despise *Mony*, where it crosseth Reason of *State* or *Vertue*. But I will

(b) Certainly the Wisdom of Foresight and Prevention, is far above the Wisdom of Remedy; and yet I fear the following Observation Sir *Fra. Bacon* makes in his *Essay of Empire* concerning the times in or near which he lived, hath been verified too much in others. 'This is true, that the Wisdom of all these latter times in Princes affairs, is rather Fine Deliveries and shiftings of Dangers and Mischiefs when they are near, than solid or grounded Courtes to keep them aloof. But this is but to try Mastersys with Fortune: And let Men beware how they neglect and suffer matter of trouble to be prepared; For no man can forbid the Spark nor tell whence it may come,

trouble you no further at this time. God ever preserve
and prosper your Lordship.

November 29.
1616.

*Your true and most devoted
Servant,*

Fr. Bacon.

XCI.

From the Original.

To the Lord Viscount Villiers.

My very good Lord.

I delivered the *Proclamation* for Cloth to Secretary Winwood on Saturday, but he keepeth it to carry it down himself, and goeth down, as I take it to day: His Majesty may percieve by the Docket of the Proclamation, that I do not onely study, but act that point touching the Judges, which his Majesty commandeth in your last.

Yesterday was a day of great good for his Majesty's service, and the peace of this Kingdom concerning Duells by occasion of Darcyes Case. I spake big and, publishing his Majesty's streight Charge to me, sayd it had strook me blind, as in point of Duells and Cartels, &c. I should not knowe a Coronet from a Hatband. I was bold also to declare how excellently his Majesty had expressed to me a Contemplation of his touching Duells; That is, that when he came forth and saw himself princely attended with goodly Nobleffe and Gentlemen, he entred into the thought, that none of their lives were in certainty not for twenty four hours from the Duel; For it was but a Heat or a Mistaking,
and

and then a Lye, and then a Challenge, and then life : saying, that I did not marvel seeing *Xerxes* shed teares to think, None of his great Army should be alive once within a 100 years, His Majesty were touched with Compassion to think that not one of his Attendance but mought be dead within 24 hours by the Duell. This I write because his Majesty may be wary, what he sayeth to me (in things of this Nature) I being so apt to play the Blabbe. In this also, I forgot not to prepare the Judges, and wish them to professe, and as it were to denounce, That in all Cases of Duel Capital before them, they will use equal Severity towards the insolent Murder by the Duel, and the insidious Murder; and that they will extirpate that Difference out of the Opinions of Men, which they did excellent well.

I must also say, that it was the first time, that I heard my Lord of *Arundel* speak in that place; and I do assure your Lordship he doth excellently become the Court; He speaketh wisely and weightily, and yet easily and clearly as a great Nobleman should do. (a)

There

(a) My Lord of *Arundel* descended from the Noble Family of the *Howards*; His Grandfather the Duke of *Norfolke* loosing his life upon the account of *Mary* Queen of the *Scots*, and his Father suffering some years Imprisonment under sentence of Condemnation; He was restored in blood, and to the titles of *Arundel* and *Surry* 1 Jac, made a privy Councillor on the 25. of *July* 1616. and afterwards Earl Marshal of *England* and General of the Army sent against the *Scots* by K. *Charles* the 1st. But about the beginning of our Civil Wars he retired into *Italy*, where he had spent part of his youth, and returned to the Religion he had then professed dying at *Padua* in 1646. He was a Gentleman of a noble Aspect and of a noble nature, a great Virtuoso and Antiquary, who with much care and cost procured several valuable Antiquities and Inscriptions to be brought from *Asia*, *Greece* and *Italy* into *England*, and placed them in or near his garden at *Arundel* House in the *Strand*; many of which were very generously presented by his grandson the Duke of *Norfolke* to the University of *Oxford*, where they are among others of the famous *Selden* fixed unto the Walls enclosing the Theatre. It were to be wished, that the great number of antient Statues which adorned his House and Gardens, and I fear have since been much neglected, had met with as safe a Repository

There hath been a Proceeding in the *Kings Bench* against *Bertram's* keeper, for Misdemeanor, and I have put a little Pamphlet (prettily penn'd by one Mr. *Trotte*, that I set on work touching the whole business) to the Presse by my Lord *Chancelors* advice.

I pray God direct his Majesty in the *Cloth* business, That that thorne may be once out of our sides. His Majesty knoweth my Opinion *ab Antiquo*. Thanks be to God of your Health, and long may you live to do us all Good. I rest

*Your true and most
devoted Servant.*

Fr. Bacon.

tory. The Eloquence which Sir *Fra. Bacon* doth here commend in this Lord is much the same which in the beginning of his *Advancement of Learning* he doth attribute to the *King*, in the words of *Tacitus*, concerning *Augustus Caesar*; *Augusto profluens, & quæ principem ~~deceret~~ deceret, eloquentia fuit.*

XCII.

From the Original.

This Letter was written to the Earl of *Buckingham*, on the same day Sir *Francis Bacon* was made Lord *Keeper* of the great Seal.

My dearest Lord,

IT is both in *Cares* and *Kindness*, that small ones Flote up to the tongue, and great ones sink down into the Heart in silence. Therefore I could speak little to your Lordship to day, neither had I fit time. But I must professe thus much, that in this days work, you
are

are the trueſt and perfect'ſt Mirror, and Example of firm and generous Friendſhip, that ever was in Court. And I ſhall count every day loſt, wherein I ſhall not either ſtudy your Welddoing in *thought*, or do your Name Honor in *Speech*, or perform you Service in *Deed*. Good my Lord, account and accept me

March 7.
1616.

*Tour moſt bounden and devoted
Friend and Servant of all men living.*

Fr. Bacon. C. S.

XCH.

*To the renowned Univerſity of Cambridge, his dear
and reverend Mother.*

I am Debtor to you of your Letters, and of the time likewiſe, that I have taken, to anſwer them. But as ſoon as I could chuſe what to think on, I thought good to let you know; That although, you may err much in your valuation of me, Yet you ſhall not be deceived in your Affurance: And for the other part alſo, though the Manner be, to mend the *Picture* by the *life*; Yet I would be glad, to mend the *life* by the *Picture*, and to become, and be, as you Expreſſe me to be; Your Gratulations, ſhall be no more welcome to me, then your buſineſs or Occaſions; which I will attend; And yet not ſo, but that I ſhall endeavour, to prevent them, by my Care of your Good. And ſo I commend you to God's Goodneſs.

Gerhambury Apr. 12.
1617.

*Tour moſt loving and
aſſured Friend and Sonne*

Fr. Bacon. C. S.

XCIV.

From the Original.

To the Earl of Buckingham.

My singular good Lord.

I Am now for five or six days retired to my house in the Country : For I think all my Lords are willing to do, as Schollars do, who though they call them Holy-days, yet they mean them Play-days.

We purpose to meet again on Easter Monday, and go all to the *Spittall* Sermon for that day, and therein to revive the ancient religious manner when all the *Counsel* used to attend those Sermons ; which some neglect in Queen *Elizabeth's* time, and his Majesty's great Devotion in the due hearing of Sermons himself with his *Counsel* at the Court brought into desuetude. But now our Attendance upon his Majesty, by reason of his absence cannot be, it is not amiss to revive.

I perceive by a Letter your Lordship did write some days since to my Lord *Brackley*, that your Lordship would have the King satisfied by *Presidents*, that letters *Patents* mought be of the dignity of an Earldom without delivery of the Patent by the King's own hand, or without the ordinary Solemnitys of a Creation. I find *Presidents* somewhat tending to the same Purpose, yet not matching fully. But howsoever let me according to my faithfull and free manner of dealing with your Lordship, say to you, That since the King means it, I would not have your Lordship for the satisfying a little trembling or panting of the Heart in my Lord or Lady *Brackley*, to expose your Lordship's self, or my

my self (whose opinion would be thought to be relyed upon) or the King our Master to envy with the Nobility of this Realm; as to have these Ceremonys of Honour dispensed with, which in conferring Honour have used to be observed, like a kind of Doctor *Bullatus* without the Ceremony of a *Commencement*: The King and you know I am not Ceremonious in Nature, and therefore you may think (if it please you) I do it in Judgement. God ever preserve you.

*Tour Lordship's most faithful
and devoted Friend and Servant*

Fr. Bacon. C. S.

*I purpose to send the Presidents
themselves by my Lord of Brackley
but I thought fit to give you some
taste of my Opinion before.*

Gerhambury April 13. 1617.

XCV.

From the Original.

To the KING.

It may please your most Excellent Majesty,

MR. Vicechamberlayn hath acquainted my self and the rest of the Commissioners for the Marriage with Spain, which are here, with your Majesty's Instructions, signed by your Royal hands, touching that Point of the suppressing of Pirates, as it hath relation to his *Negotiation*; Whereupon we met yesterday at my

my Lord *Admiral's* at *Chelſey*, becauſe we were loth to draw my Lord into the air, being but newly upon his Recovery. (a)

We conceive the parts of the buſineſs are *Four* : The *Charge* : the *Confederations*, and who ſhall be ſolicited or retain'd to come in : The *Forces*, and the *Distributions* of them ; and the *Enterprize*. We had onely at this time Conference amongit our ſelves, and ſhall appoint (after the Holy days) times for the calling before us ſuch as are fit, and thereupon perform all the parts of your Royal Commandements.

In this Conference, I met with ſomewhat, which I muſt confeſſe was altogether new to me, and open'd but darkly neither ; Whereof I think Mr. Vicechamberlayn will give your Maſteſty ſome light for ſo we wiſhed. By occaſion whereof I hold it my Duty in reſpect of the great place wherein your Maſteſty hath ſet me (being onely made worthy by your Grace) which maketh it decent for me to Counſel you *ad ſummas rerum* to intimate or repreſent to your Maſteſty thus much.

I do foreſee, in my ſimple Judgement, much Inconvenience to iſſue, if your Maſteſty proceed to this Treaty with *Spain*, and that your Counſel draw not all one way. I ſaw the bitter fruits of a divided Counſel the laſt *Parlement* ; I ſaw no very pleaſant fruits thereof in the matter of the *Cloth*. This will be of equal, if not

(a) Charles Lord Howard of *Effingham* and Earl of *Nottingham*, was as Sir Robert Maunton obſerves as goodly a Gentleman for Perſon as the times had any ; which is confirmed by Mr *Osbourne*, although his Eyes met not with him, til he was turned towards the point of eighty. He being alſo brave, faithful and diligent, commanded the Fleet as Lord High *Admiral* upon ſeveral Ocaſions, particularly againſt the *Spaniſh Armado* in 1588. But in the latter end of the year 1618 He ſurrendred this Honourable Place to the King, (who confer'd it upon the Marquis of *Buckingham* ;) and dyed in the year 1624. and of his Age the 88th.

more Inconvenience; *For wheresoever the Opinion of your people is material (as in many Cases it is not) there, if your Counsel be united, they shall be able almost to give Law to Opinion, and rumor; but if they be divided, the Infusion will not be according to the strength and vertue of the votes of your Counsel, but according to the aptness and Inclination of the Popular.* This I leave to your Majesty in your high Wisdom to remedy. Onely I could wish that when Sir John Digbys Instructions are perfected, and that he is ready to go: Your Majesty would be pleas'd to write some formal letter, to the Body of your Counsel (if it shall be in your absence) signifying to them your Resolution in General, to the end, that when *Deliberation*, shall be turn'd into *Resolution*, no Man, howsoever he may retain the Inwardness of his Opinion, may be active in *Contrarium*.

The letters of my *Lords of the Council*, with your Majesty touching the Affairs of *Ireland* written largely and articulately, and by your Majesty's direction, will much Facilitate our Labours here; though there will not want Matter of Consultation thereupon. God ever preserve your Majesty safe and happy.

London, April 19.
1617.

*Your Majesty's, most devoted
and obliged Servant,*

Fr. Bacon. C. S.

XCVI.

*From the Original*To the Earl of *Buckingham*.*My singular good Lord;*

I Send your Lordship according to the direction of your letter, a Note of the *Presidents* that I find in my Lord *Brackley's* business; which do rather come near the Case then match it. Your Lordship knoweth already my Opinion, that I would rather have you Constant in the Matter, then Instant for the Time.

I send also inclosed an Account of Council business by way of remembrance to his Majesty, which it may please you to deliver to him.

The *Queen* returneth her thanks to your Lordship, for the Dispatch of the Warrant, touching her House; I have not yet acquainted the Lord *Treasurer*, and *Chancellor* of the *Exchequer* with it; but I purpose to morrow to deliver them the Warrant, and to advise with them for the executing the same.

I have receiv'd the King's letter with another from your Lordship, touching the Cause of the *Officers*, and *Sir Arthur Ingram*, whereof I will be very careful to do them Justice.

Yesterday I took my place in *Chancery*, which I hold onely from the King's Grace and Favor, and your constant Friendship. There was much ado, and a great deal of World. But this matter of *Pompe*, which is *Heaven* to some Men, is *Hell* to me, or *Purgatory* at least. It is true, I was glad to see, that the King's Choice, was so generally approved; and that I had
so

so much Interest in Mens good Wills and good Opinions, because it maketh me the fitter Instrument, to do my Master Service, and my Friend also.

After I was set in *Chancery* I published his Majesty's Charge which he gave me, when he gave me the Seal; and what Rules and Resolutions I had taken for the fulfilling his Commandements. I send your Lordship a † Copy of that I said. My Lord *Hay* coming to take his leave of me two days before, I told him what I was meditating, and he desired me to send him some remembrance of it; and so I could not, but send him another Copy thereof. Men tell me, it hath done the King a great deal of Honour; insomuch that some of my Friends that are wise Men, and no vain ones, did not stick to say to me, that there was not these seven years such a preparation for a *Parlement*; Which was a Commendation, I confess pleased me well. I pray take some fit time to shew it his Majesty, because if I misunderstood him in any thing, I may amend it, because I know his Judgement is higher and deeper then mine.

† Printed
in the *Re-*
suscitatio
pa. 79.

I take infinite Contentment to hear his Majesty is in great good health and vigor; I pray God preserve and continue it. Thus wishing you well above all Men living, next my Master and his. I rest

Dorset-house, which putteth
me in mind to thank your Lord-
ship, for your Care of me touch-
ing York-House.

May 8. 1617

*Your true and devoted
Friend and Servant,*

Fr. Bacon. C. S.

XCVII.

An Account of *Council* business, and of other Matters committed to me by his *Majesty*.

F*irst*, For *May-Day* ; At which time there was great apprehension of Tumult by Prentices, and loose people. There was never such a still. The Remedyes that did the effect were three.

First, the putting in Muster of the Trayned Bands and Military Bands in a brave Fashion that Way. *Next* the laying a strait Charge upon the Mayor, and Aldermen for the City, and Justices of the Peace for the Suburbs, that the Prentices and others mought go abroad with their Flags and other Gauderys ; but without weapon of Shot and Pique, as they formerly took liberty to do. Which Charge was exceeding well performed and obeyed. And the *last* was, that we had according to our Warrant Dormant, strengthen'd our Commissions of the Peace in *London* and *Middlesex*, with new Clauses of Lieutenancy ; which as soon as it was known abroad all was quiet by the Terror it wrought. This I write, because it maketh good my further Assurance, I gave his Majesty at his first removes, that all should be quiet, for which I receiv'd his Thanks.

For the *Irish* Affairs, I received this day, his Majesty's letter to the *Lords*, which we have not yet open'd, but shall sit upon them this Afternoon. I do not forget, besides the Points of State, to put my Lord *Treasurer* in remembrance, that his Majesty laid upon him the Care of the Improvement of the Revenue of *Ireland*, by all good means, of which I find his Lordship very Careful, and I will help him the best I can.

The

The matter of the Revenue of the Recusants here in *England*, I purpose to put forward by a Conference with my Lord of *Canterbury*, upon whom the King layd it, and upon *Secretary Winwood*; and because it is Matter of the *Exchequer*, with my Lord *Treasurer* and Mr. *Chancellor*, and after to take the Assistance of Mr. *Attorney*, and the learned *Counsel*, and when we have put it in a Frame to certifie his Majesty.

The business of the *Pirates* is, I doubt not by this time come to his Majesty upon the letters of us the Commissioners, whereof I took special Care; And I must say I find Mr. Vice-*Chamberlayn* a good able Man with his Pen. But to speak of the main business which is the *Match* with *Spain*, the King knows my Mind by a former letter; that I would be glad it proceeded with an United Counsel; Not but that Votes, and Thoughts are to be free: But yet after a King hath resolved, all Men ought to Cooperate and neither to be *active* nor much *Loquutiv* in *Oppositum*; especially in a Case, where a few dissenting from the rest, may hurt the business in * *foro famæ*,

Yesterday, which was my weary day, I bid all the *Judges* to Dinner, (which was not used to be) and entertained them in a private withdrawing Chamber, with the learned *Counsel*. When the Feast was passed, I came amongst them, and set me down at the end of the Table, and pray'd them to think, I was one of them and but a Foreman. I told them I was weary and therefore must be short, and that I would now speak to them upon two points. Whereof the *one* was that I would tell them plainly, That I was firmly perswaded, that the former Discords and Differences between the *Chancery* and other *Courts* were but Flesh and Blood; and that now the Men were gon, the matter was gon; And that for my part as I would not suffer any the least

* In point
of Reputation.

Letters and Memoires.

diminution or derogation from the ancient and due power of the *Chancery*, so if any thing should be brought to them at any time, touching the Proceedings of the *Chancery*, which did seem to them Exorbitant or Inordinate; that they should freely and friendly acquaint me with it, and we should soon agree; or if not, we had a Master, that could easily both discern and rule. At which Speech of mine, besides a great deal of Thanks and Acknowledgement, I did see Chear and Comfort in their Faces, as if it were a new World.

The *Second* Point was, that I let them know, how his Majesty at his going gave me Charge, to call and receive from them the Accounts of their *Circuits*, according to his Majesty's former Prescript, to be set down in writing, And that I was to transmit the Writings themselves to his Majesty, and accordingly as soon as I have receiv'd them, I will send them to his Majesty.

Some two days before I had a Conference with some Judges, (not all, but such as I did choose) touching the *High Commission*, and the extending of the same in some Points, which I see I shall be able to dispatch by Consent, without his Majesty's further trouble.

I did call upon the Committees also for the Proceeding in the purging of Sir *Edward Coke's* Reports, which I see they go on with seriously. (a)

Thanks

(a) During the time that my Lord Chief Justice *Coke* lay under the Displeasure of the Court, for the reasons I have mention'd in the Discourse preceding these Letters; some Information was given to the King, that he having published eleven books of Reports, had written many things against his Majesty's *Prerogative*. And being commanded to explain some of them, My Lord Chancellor *Ellesmere* doth thereupon in his Letter of 22th of Octob. 1616. write thus to the King. According to your Majesty's directions signified unto me by Mr. Solicitor, I called the Lord Chief Justice before me, on Thursday the 17th instant, in presence of Mr. Attorney and others of your learned Counsel. I did let him know your Majesty's acceptance of the few *Animadversions*, which upon Review of his own labours, he had sent tho' fewer then you expected, and his Excuses other then you expected. And did at the same

Thanks be to God, we have not much to do for Matters of Counsel, and I see now that his Majesty is as well able by his letters to govern *England* from *Scotland*, as he was to govern *Scotland* from *England*.

same time inform him, that his Majesty was dissatisfied with several other Passages therein; and those not the principal Points of the Cases judged, but deliver'd by way of Expiation, and which might have been omitted without prejudice to the Judgement: Of which sort the *Attorney* and *Solicitor* general, did for the present onely select five, which being deliver'd to the Chief Justice on the 17th of *October*, he returns his Answers at large upon the 21st. of the same Month, the which I have seen under his own hand. 'Tis true the Lord *Chancellor* wished he might have been spared all Service concerning the *Chief Justice*, as remembring the 5th Petition of *Dimittite nobis Debita nostra*, &c. Infomuch that though a Committee of Judges was appointed to consider these Books, yet the Matter seems to have slept, til after Sir *Fra. Bacon* was made *Lord Keeper* it revived, and two Judges more were added to the former. Whereupon Sir *Edward Coke* doth by his Letter make his humble Suit to the Earl of *Buckingham*. 1. That if his Majesty shall not be satisfied with his former Offer, *viz.* by the Advice of the Judges, to explain and publish those Points, so as no shadow may remain against his Prerogative; That then all the Judges of *England* may be called thereto. 2. That they might certify also what Cases he had published for his Majesty's Prerogative and Benefit, for the good of the Church and quieting Mens Inheritances, and good of the Commonwealth. But Sir *Edward* being then or soon after coming into Favor by the Marriage of his Daughter, I conceive there was no farther Proceedings in this Affair. It will be needless for me to declare what reputation these Books have, among the Professors of the Law; but I cannot omit upon this Occasion, to take Notice of a Character Sir *Fra. Bacon* had some time before given them in his Proposition to the King, touching the *Compiling* and *Amendment* of the *Laws* of *England*. 'To give every Man his due, had it not been for Sir *Edward Coke's Reports* (which though they may have Errors, and some peremptory and extrajudicial Resolutions more than are warranted, yet they contain infinite good *Decisions* and Rulings over of Cases;) the law by this time had been almost like a Ship without Ballast; For that the Cases of modern experience, are fled from those, that are adjudged and ruled in former Time.

XCVIII.

A Note of some *Presidents*, as come nearest the Case of the Lord *Brackley*. Referred to in the foregoing Letter.

THE Lord *Hay* was created Baron of *Sawley*, 28. *Junij*, 13. *Regis*, without the Ceremony of robing, (as I take it) but then the Patent was (as I conceive it also) delivered to the Person of the said Lord *Hay*, by the King's own hands; and again the Dignity of a Baron hath incident to it, onely the Ceremony of *Robes*, and not the *Cincture* of the *Sword*, *Coronet*, &c.

The Duke of *Lenox* was created Earl of *Richmond* 6 of *Octobris* 11. *Regis* without any the Ceremonies (as I take it) but the Patent (as I conceive it also) was deliver'd to the person of the said Duke, with the hands of the King; and again in regard he was invest-ed of the superior Dignity of Duke of *Scotland*, the Ceremonies were not so fit to be iterated.

King *Henry VIIth* created *Edward Courtenay* Knight Earl of *Devon* 26. *Octobris* 10. *Regni*, *Teste meipso apud Westmonasterium*. &c. Whereby it may be collected, that it was done without the Solemnities; For that where the Solemnities were performed, it hath used to be with a *Hisce Testibus*, and not *Teste meipso*; And whether it were deliver'd with the King's hand or not, it appears not.

Edward VI. created *William* Earl of *Essex* Marquis of *Northampton* 16, *Feb.* 1 *Edw. 6.* and it is mention'd to be *per Cincturam gladii, Cappam Honoris, & Circuli aurei Impositionem*, but whether the Delivery was by the

the King's own hand *non Constat*, but it was *Teste meipso* and not *Hisce Testibus*,

The same King created *John Viscount L'Isle* Earl of *Warwick*, the same time, and it is mentioned to be *per Cincturam gladij*, &c. but it was *Teste meipso*, and not *Hisce Testibus*.

Edward VI. created *Thomas Lord Wriothesley* Earl of *Southampton* in the same day, and in the same manner, with a *Teste meipso* and not *Hisce Testibus*. These three Creations being made upon one day and when the King was a Child of about 9 years old, and in the very entrance of his Reign, for the Patents bear date at the *Tower of London*, doth make me conjecture that all the Solemnities were performed, but whether the King endured to be present at the whole Ceremony and to deliver the Patents, with his own hand, I doubt; For that I find that the very self same day, year and place, the King created his Uncle the Earl of *Hartford*, to be Duke of *Somerset* *per Cincturam gladij*, *Cappam Honoris*, & *Circuli aurei impositionem*, & *traditionem Virgulae aureae*, with a *Hisce Testibus* and not *Teste meipso*, and with a *Datum per manus nostras*: but these things are but conjectural.

I find no *Presidents* for a *Non obstante*, or a Dispensation with the Solemnities, as the Lord *Brackley's* Bill was penned.

XCIX.

From the Original.

To the Earl of *Buckingham*.

My very good Lord.

I Shall write to your Lordship of a business, which your Lordship may think to concern my self; but

I do think it concerneth your Lordship much more. For as for me as my Judgement is not so weak, to think it can do me any hurt, so my Love to you is so strong, as I would prefer the good of you and yours, before mine own particular.

It seemeth *Secretary Winwood* hath officiously busied himself to make a Match between your Brother and Sir *Edward Coke's* Daughter; And as we hear he doth it rather to make a Faction then out of any great Affection to your Lordship: It is true, he hath the Consent of Sir *Edward Coke* (as we hear) upon reasonable Conditions for your Brother, and yet no better then without question, may be found in some other Matches. But the Mother's Consent is not had, nor the young Gentlewoman's, who expecteth a great Fortune from her Mother, which without her Consent is endangered. This Match, out of my Faith and Freedom towards your Lordship, I hold very inconvenient both for your Brother and your self.

First, He shall marry into a disgraced House, which in reason of State is never held good.

Next, He shall marry into a troubled House of Man and Wife, which in Religion and Christian Discretion, is disliked.

Thirdly, Your Lordship will go near to loose all such your Friends as are adverse to Sir *Edward Coke*, (my self onely except, who out of a pure Love and thankfulness shall ever be Firm to you.)

And *lastly*, and *chiefly*, (believe it) It will greatly weaken and distract the King's Service; For though in regard of the King's great Wisdom and Depth, I am perswaded those things will not follow, which they imagin; yet Opinion will do a great deal of Harm, and cast the King back, and make him relapse into those Inconveniencies which are now well on to be recovered.

There-

Therefore my *Advice* is, and your Lordship shall do your self a great deal of Honour; If according to Religion and the Law of God, your Lordship will signifie unto my *Lady* your *Mother*, That your desire is, That the Marriage be not pressed or proceeded in without the Consent of both Parents, and so either break it altogether, or defer any further delay in it, till your Lordship's Return: And this the rather, for that (besides the Inconvenience of the Matter it self) It hath been carried so harshly and inconsiderately by Secretary *Winwood*, as for doubt that the Father should take away the Maiden by Force; the Mother to get the Start hath convey'd her away secretly; which is ill of all sides. Thus hoping your Lordship will not onely accept well, but believe my faithful Advice, who by my great Experience in the World, must needs see further then your Lordship can, I ever rest

*Tour Lordship's true and most devoted
Friend and Servant,*

Fr. Bacon. C. S.

I have not heard from your Lordship since I sent the King my last Account of Counsel Business, but I assure my self you receiv'd it, because I sent at the same time a Packet to Secretary Laque who hath signified to me that he hath received it.

I pray your Lordship deliver to his Majesty this little Note of Chancery Business.

July 12. 1617.

E e

C. From

C.

From the Original.

To the KING.

It may please your most Excellent Majesty,

I Think it agreeable to my Duty, and the great Obligation, wherein I am tyed to your Majesty, to be freer then other Men in giving your Majesty faithful Counsel, while things are in passing; and more bound then other Men in doing your Commandments, when your Resolution is settled, and made known to me.

I shall therefore most humbly crave Pardon from your Majesty, if in plainness and no less humbleness, I deliver to your Majesty my honest, and disinterested Opinion, in the business of the Match of Sir John Villiers, which I take to be *Magnum in parvo*: preserving always the Laws and Duties of a Firm Friendship, to my Lord of Buckingham whom I will never cease to love, and to whom I have written already, but have heard yet from his Lordship.

But First, I have three Suits to make to your Majesty, hoping well, you will grant them all.

The First is, That if there be any Merit in drawing on that Match; your Majesty would bestow the thanks not upon the Zeal of Sir Edward Coke to please your Majesty; nor upon the eloquent Persuasions or Pragmatical's of Mr. Secretary Winwood; but upon them, that carrying your Commandments and Directions with Strength and Justice, in the matter of the Governour of Diepe (a); in the matter of Sir Robert Rich;

(a) All that I have seen relating to the Difference between the Governour of Diepe, and Sir Edward Coke, is contained in a letter of Secretary Winwood's to my Lord of Buckingham, dated the 29th of June this year, and in these Words. Sir Edward Coke hath consigned into the hands of the Lords 2400 l. for the Satisfaction of the French Ambassador, in the Cause which concerneth the Governour of Diepe.

and

and in the matter of protecting the *Lady*, according to your Majesty's Commandment; have so humbled Sir *Edw. Coke*, as he seeketh now that with Submission, which (as your Majesty knoweth) before he rejected with Scorn: For this is the true *Orator*, that hath persuaded this business; as I doubt not but your Majesty in your excellent Wisdom doth easily discern.

My *Second* Suit is, That your Majesty would not think me so pusillanimous; as that I, that when I was but Mr. *Bacon*, had ever (through your Majesty's Favour) good Reason at Sir *Edward Coke's* hands, when he was at the greatest; should now that your Majesty of your great goodness, hath placed me so near your Chair, (being as I hope by God's Grace, and your Instructions, made a Servant according to your Heart and Hand) fear him or take *Umbrage* of him, in respect of mine own particular.

My *Third* Suit is, That if your Majesty be resolved the Match shall go on, after you have heard my Reasons to the contrary; I may receive therein your particular Will and Commandments from your self; that I may conform my self thereunto; imagining with my self (though I will not wager on Women's Minds) that I can prevail more with the Mother, than any other Man. For if I should be requested in it from my *Lord of Buckingham*; the Answers of a true Friend ought to be, That I had rather go against his mind then against his good: But your Majesty I must obey: And besides I shall conceive that your Majesty out of your great Wisdom and Depth, doth see those things which I see not.

Now therefore, not to hold your Majesty with many Words, (*which do but drown Matter*) Let me most humbly desire your Majesty, to take into your Royal Consideration, That the State is at this time not onely

in good Quiet and Obedience, but in good Affection and Disposition. Your Majesty's *Prerogative* and Authority having risen some just Degrees above the *Horizon* more then heretofore; which hath dispersed Vapors: Your *Judges* are in good Temper; your *Justices of Peace* (which is the body of the Gentlemen of *England*) grow to be loving and obsequious, and to be weary of the Humour of Ruffling: All mutinous Spirits grow to be a little poor, and to draw in their Horns; and not the less for your Majesty's disauctorizing the Man I speak of. Now then I reasonably doubt, that if there be but an Opinion of his Coming in, with the Strength of such an Alliance; it will give a Turn and Relapse in Mens minds, into the former state of Things, hardly to be holpen, to the great weakning of your Majesty's Service.

Again, Your Majesty may have perceived, that as far as it was fit for me in Modesty to advise; I was ever for a *Parlement*, (which seemeth to me to be *Cardo rerum* or *summa summarum* for the present Occasions.) But this my Advice was ever Conditional; *That your Majesty should go to a Parlement with a Counsel United and not Distracted*: And that your Majesty will give me leave never to expect, if that Man come in. Not for any Difference of mine own; (for I am *Omnibus omnia* for your Majesty's Service) but because he is by Nature *Unsociable*, and by Habit *Popular*, and too old now to take a new *Plye*. And Men begin already to Collect, yea and to Conclude, that he that raiseth such a Smoke to get in, will set all on Fire when he is in.

It may please your Majesty now I have said, I have done; And as I think I have done a Duty not unworthy the first year of your last high Favour: I most humbly pray your Majesty to pardon me, if in any thing, I have erred: For my Errours shall always be supplied
by

of Sir FRANCIS BACON.

213

by Obedience; And so I conclude with my Prayers,
for the Happy Preservation of your *Majesty's* Person
and Estate.

Aug. 2
From Gorhambury
this 25th of July
1617.

*Your Majesty's most humble,
bounden, and most devoted
Servant,*

Fr. Bacon. C. S.

CI.

From the Original.

To the Earl of *Buckingham*.

My very good Lord,

I Do think long to hear from your Lordship, touch-
ing my last Letter, wherein I gave you my Opi-
nion touching your Brother's *Match*. As I then shewed
my Dislike of the Matter, so the Carriage of it here in
the manner I dislike as much. If your Lordship think
it is Humour or Interest in me that leads me, God
judge my Sincerity. But I must say, that in your ma-
ny noble Favours towards me, they ever moved and
flowed from your self, and not from any of your
Friends whatsoever; And therefore in requital, give
me leave, that my Counsels to you again be referred to
your Happiness, and not to the Desires of any of your
Friends. I shall ever give you, as I give my Master,
safe Counsel and such as *Time* will approve.

I receiv'd yesterday from Mr. *Attorney* the *Queen's*
Bill, which I send your Lordship. The payment is not
out of Lands, but out of the Customs, and so it can
be but the Rent. Your Lordship remembreth, it is but
in

in a Case, which I hope shall never be; that is, after his Majesty's Death, if she survive. God ever bless and direct you.

Gorhambury this
25th of July
1617.

*Your Lordship's most faithful
and devoted Friend and Servant,*

Fr. Bacon. C. S.

CII.

To the KING.

It may please your most Excellent Majesty.

I Dare not presume any more to reply upon your Majesty, but I reserve my Defence till I attend your Majesty at your happy Return: when I hope verily to approve my self, not onely a true Servant to your Majesty, but a true Friend to my Lord of *Buckingham*; And for the times also; I hope to give your Majesty a good Account, though Distance of Place may obscure them. But there is one part of your Majesty's Letter, that I could be sorry to take time to Answer; which is that your Majesty conceives, That whereas I wrote that the heighth of my *Lord's* Fortune might make him secure, I mean that he was turned proud, or unknowing of himself; Surely the Opinion I ever had of my Lord (whereof your Majesty is best Witness) is far from that. But my meaning was plain and simple, that his Lordship might through his great Fortune, be the less apt to cast and foresee the Unfaithfulness of Friends, and the Malignity of Enemies, and Accidents of Time. Which is a Judgement (your Majesty knoweth better then I) that the best Authors makes

makes of the best, and best tempered Spirits, *ut sunt res humanæ* ; insomuch that *Guicciardine* maketh the Judgement (not of a particular Person) but of the wisest State of *Europe*, the *Senate of Venice* ; when he saith their Prosperity had made them secure, and under weighers of Perils. Therefore I beseech your Majesty to deliver me in this from any the least Imputation to my Dear and Noble Lord my Friend. And so expecting, that that *Sun* which when it went from us left us cold Weather, and now it is returned towards us hath brought with it a blessed harvest; will, when it cometh to us, dispel and disperse all Mists and Mistakings.

July 31. 1617.

CIII.

From the Original.

To the Earl of *Buckingham*.

My very good Lord,

SINCE my last to your Lordship, I did first send for Mr. *Attorney general*, and made him know, that since I heard from *Court*, I was resolved to further the *Match* and the Conditions thereof for your Lordship's Brother's Advancement the best I could. I did send also to my Lady *Hatton* and some other special friends, to let them know, I would in any thing declare my self for the *Match* ; which I did to the end, that if they had any Apprehension of my Assistance, they mought be discouraged in it. I sent also to Sir *John Butler*, and after by Letter to my Lady your *Mother*, to tender my performance of any good Office towards the *Match* or the Advancement from the *Mother*. This was all I could think of for the present.

I did

I did ever foresee, that this Alliance would go near to leese me your Lordship, that I hold so dear ; And that was the onely Respect particular to my self that moved me to be as I was, till I heard from you. But I will rely upon your Constancy and Nature and my own Deserving, and the firm Tye we have in respect of the King's Service.

In the mean time I must a little complain to your Lordship, that I do hear my *Lady* your Mother and your Brother Sir *John* do speak of me with some bitterness and neglect. I must bear with the one as a *Lady*, and the other as a *Lover*, and with both for your Lordship's sake, whom I will make Judge of any thing they shall have against me. But I hope though I be a true Servant to your Lordship, you will not have me to be a Vassal to their Passions, specially as long as they are governed by Sir *Edward Coke* and Secretary *Winwood*, the latter of which I take to be the worst ; For Sir *Edward Coke*, I think is more modest and discreet. Therefore your Lordship shall do me *Right*, and yet I shall take it for *Favour*, if you signify to them that you have received Satisfaction from me, and would have them use me friendly, and in good manner. God keep us from these long Journeys and Absence which make Misunderstandings and give Advantage to Untruth, and God ever prosper and preserve your Lordship.

Gorhambury this
23th of Aug.
1617.

*Your Lordships true and devoted
Friend and Servant,*

Fr. Bacon. C. S.

CIV.

CIV.

From the Original.

To the Earl of *Buckingham*

My ever best Lord, now better then your self.

YOur Lordship's *Pen* or rather *Pencil* hath pourtraied towards me such Magnanimity and Nobleness and true Kindness; as methinketh I see the Image of some ancient Virtue, and not any thing of these times. It is the Line of my Life, and not the Lines of my Letter, that must express my Thankfulness: Wherein if I fail, then God fail me, and make me as miserable, as I think my self at this time Happy, by this reviver, through his Majesty's singular Clemency, and your Incomparable Love and Favour. God *preserve* you, *prosper* you, and *reward* you, for your Kindness to

Sept. 22. 1617.

*Your raised and infinitely
obliged Friend and Servant*

Fr. Bacon. C. S.

CV.

From the Original.

To the Earl of *Buckingham*.

My very good Lord,

I Send your Lordship the *Certificate* touching the *Inrollement* of *Prentices*. We can find no ground for it by Law. My self shall ever be ready to further things

things that your Lordship commendeth ; but where the Matter will not bear it ; your Lordship I know, will think not the worse, but the better of me, if I signify the true state of things to your Lordship ; resting ever

York-house this 29th
of *October* 1617.

*Your Lordship's true Friend
and devoted Servant,*

Fr. Bacon. C. S.

The Certificate.

According to his Majesty's Command signified by your Lordships Letters, we have advisedly considered of the *Petition* touching the *Inrollement* of Apprentices Indentures, and heard the Petitioners Counsel, and do find as followeth :

1. That the Act of *Parlement* 5^o *Eliz.* doth not warrant the erecting of an Office to Inrolle such Indentures in Cities, Towns Corporate, or Market Towns. But if any such Inrollement should be, it must be by the Officers there, who are assigned to perform sundry other things touching Apprentices and Servants.

2. That in Country Villages (for which the Suite carries most Colour) we cannot give the Suiters hope, that any profit will be there made, warrantable by Law.

Thus we have (according to our Duties) certified our Opinions of this *Petition*, submitting the same nevertheless to his Majesty's great Wisdom, and rest,

Octob. 25. 1617.

At your Lordship's Command,

Fr. Bacon. C. S. H. Montague. Tho. Coventry.

CVI.

*From the Original.*To the Earl of *Buckingham*.*My very good Lord.*

THE liking which his Majesty hath of our Proceeding concerning his *Household*, telleth me that his Majesty cannot but dislike the declining and tergiversation of the inferiour Officers; which by this time he understandeth.

There be but four kinds of Retrenchments. 1. The Union of Tables. 2. The putting down of Tables. 3. The Abatement of Dishes to Tables. 4. The Cutting off new Diets and Allowance lately raised; And yet perhaps such as are more necessary then some of the old.

In my Opinion the first is the best and most feasible. The Lord *Chamberlains* Table is the principal Table of State. The Lord *Steward's* Table I think is much frequented by *Scottish* Gentlemen. Your Lordship's Table hath a great Attendance; And the Groom of the *Stole's* Table is much resorted to by the Bedchamber. These would not be touched. But for the rest (his Majesty's Case consider'd) I think they may well be united into one.

These things are out of my Element, but my Care runneth, where the King's State most laboureth: Sir *Lionel Cranfield* (a) is yet sick, for which I am

Sir Lionel Cranfield was a Man of so much note in these times, and so often named in these Papers, that I cannot omit taking some notice of his good and bad Fortunes. He was bred a Merchant, yet by his great Abilities in, and application to Business, and the relation he had to my Lord of *Buckingham* by Marriage, he was raised to be Master of the Court of Requests, then of the *Wardrobe*, and after of the Court of *Wards*, Created Lord *Cranfield*, and Earl of *Middlesex*: missing the Lord *Keeper's* place, he was constituted Lord *High Treasurer*, which being an Office he understood as well as any; We may conclude his Integrity fell short of his Ability, from the severe Judgment given against him, by the House of *Lords* in 1624.

very forry; for methinks his Majesty upon these Tossings over of his business from one to others hath an apt occasion to go on with *Subcommittees*. God ever preserve and prosper you.

York-House,
Nov. 19.
1617.

Your Lordship's true Friend
and devoted Servant,

Fr. Bacon. C. S.

CVII.

From the Original

To the Earl of Buckingham.

My very good Lord,

Yesterday at Afternoon were read at the *Table* his Majesty's two Letters, written with his own hand, the matter worthy the hand. For they were written *ex Arte Imperandi*, if I can judge; and I hope they and the like will disenchant us of the opinion, which yet sticks with us, that to day will be as yesterday, and to morrow as to day, so as there will be (as he saith) *Acribus initiis, Fine incurioso* (a)

I hold my Opinion given in my former Letter, that the *uniting* of some *Tables*, is the most passable way; but that is not all: For when that is done, the King may save greatly in that which remaineth. For if it

(a) One of the Letters here mention'd to be writ by the King, is Printed in the *Cabala*. In the other I suppose his Majesty apprehends that the vigor the *Council* at first shew'd in reducing the charge of his Household, would not be of long continuance. It being observ'd by *Tacitus*, in the words here cited, to be a thing not unusual in publick affairs, *That violent beginnings had negligent Conclusions*.

be set down, what Tables shall be fixed, and what Diet allowed to them : My Steward (as ill a *Mefnager* as I am) or my Lord *Mayor's* Steward can go near to tell, what charge will go near to maintain the Proportion. Then add to that some large allowance for Wast, (because the *King* shall not leese his *Prerogative to be deceiv'd more than other men*) and yet no question there will be a great retrenchment. But against this last abatement will be fronted the payment of Arreres. But I confess, I would be glad that I mought see, or rather, that a *Parliament* may see, and chiefly that the *King* (for his own quiet) may see, that upon such a Sum pay'd, such an Annual Retrenchment will follow : For things will never be done in *act*, except they be first done in *conceit*.

I know these things do not pertain to me ; *For my part is to acquit the King's Office towards God, by administration of Justice, and to oblige the Hearts of his People to him by the same, and to maintain his Prerogative.* But yet because it is *in hoc*, that the King's case laboureth, I cannot but yield my care and my strength too, in Counsell, such as it is, which cannot be so much as it was between our *Lady-day*, and *Michaelmas* last. But whatsoever it is, it is wholly his Majesty's, without any Deflexion.

As soon as I find any possibility of Health in Sir *Lyonel Cranfield*, to execute a *Sub-commission*; I will by Conference with him frame a Draught of a Letter from his Majesty, for which there is the fairest occasion in the world. And the King hath prepared it as well as possible. God ever preserve and prosper you.

York-House, 22
Nov. 1617.

*Your Lordship's true Friend
and devoted Servant,*

Fr. Bacon, C. S.

CVIII.

*From the Original.**To the Earl of Buckingham.**My very good Lord.*

I Send your Lordship a Draught of a Letter touching the *Sub-commission*, written in wide lines, because it may be the better amended by his Majesty. I think it is so penn'd as none can except to it, no nor imagin any thing of it. For the Household-busines, there was given a Fortnights day : For the Pensions, the course which I first propounded of abating of a third throughout, and some wholly seemeth well enter'd into. These be no ill beginnings. But this course of the *Subcommission* thriddes all the King's business. God ever preserve and prosper you.

York-House, 27
Nov. 1617.

*Your Lordships true Friend
and devoted Servant,*

Fr. Bacon, C. S.

Sir *Lyonel Cranfield* is now reasonably well recover'd.

Draught of the Subcommission.

My Lords,

IN this first and greatest branch of our Charge concerning our *House*; we do find what difficulties are made, and what time is lost, in disputing and of devising upon the manner of doing it ; whereof the matter

matter must be, and is so fully resolved. Neither can we but see in this, as in a Glass, the like event to follow in the rest upon like reason. For the *Inferior Officers* in every kind, who are best able for skill to propound the Retrenchments, will out of interest or fearfulness make dainty to do service; and that which is done with an ill will, will never be well done. Again, to make it the act of the whole *Table*, for the particular Propositions and Reckonings, will be too tedious for you, and will draw the business it self into length; and to make any particular *Committees* of your selves, were to impose that upon a few, which requireth to be carried indifferently as the act of you all. For since the great Officers themselves think it too heavy for them, as our state now is, to deal in it, without bringing it to the *Table*; with much more reason may any particular persons of you be loth to meddle in it, but at the *Board*. In all which respects we have thought fit, (neither do we see any other way) that you send unto us the Names of the *Officers* of our *Exchequer*, and our *Custom-House*, and *Auditors* out of which we will make choice of some few, best qualified to be *Subcommittees* for the better ease, and the speeding of the business by their continual Travails and meetings: Whose part and Employment we incline to be to attend the *Principal Officers* in their severall Charges, and join themselves to some of the *Inferior Officers*, and so take upon them the Mechanick and laborious part of every business, thereby to facilitate and prepare it, for your Consultations, according to the Directions and Instructions, they shall receive from you from time to time.

CIX.

*From the Original.**To the Marquis of Buckingham.**My very Good Lord,*

I Thought fit by this my private Letter to your Lordship, to give you an account of such business, as your Lordship hath recommended unto me; that you may perceive that I have taken that care of them, I ought, and ever shall in those things you recommend or remit to me.

For the Suit of the *Alehouses* which concerneth your Brother Mr. *Christopher Villiers*, and Mr. *Patrick Mawle*, I have conferr'd with my Lord *Chief Justice*, and Mr. *Solicitor* thereupon, and there is a Scruple in it, that it should be one of the *Grievances* put down in *Parliament*; which if it be, I may not in my Duty and love to you, advise you to deal in it; if it be not, I will mould it in the best manner and help it forward. The stay is upon the search of the Clerk of the Parliament, who is out of Town; but we have already found, that the last Grievance in 7^{mo}. is not the same with this Suit; but we doubt yet of another in 3^o.

For the business of Mr. *Leviston*, for your Lordship's sake (who I perceive keeps your Noble Course with me, in acquainting me with these things) I shall apply my self unto you; though in my nature I do desire that those that serve in the Court where I sit, though they be not in places of my Gift, and so concerns not me nor my place in profit; yet I wish, I say, I mought leave them in as good case as I find them. And
this

this Suit concerneth the main Profit of the *Six Clerks*, who though they be of the *Master* of the *Rolls* his Gift, yet they serve in my Court. But my greatest doubt is that the Grant cannot be good in Law; and that it is not like those other *Presidents*, whereof I have receiv'd a Note. For the *Difference* is, where things have been written by all the Clerks indifferently and loofely, (in which case the King may draw them into an *Office*) and where they have appertained to one especial Office: In which case the King can no more take away the Profits of a Man's Office, than he can the Profits of his Land. Therefore I think your Lordship may do well, to write to Mr. *Solicitor* and *Serjeant Finch* (a), or some other Lawyers that you trust, or such as Mr. *Leviston* trusteth, being Persons of Account, to inform you of the Point in Law, before you proceed any further: For without that all is in vain.

For the business of *Hawkyns* touching the *Register* for the *Commission* of *Bankrupts*. I am not yet satisfied likewise for the Law, nor for the Conveniency, but I rather incline to think it may pass, and I have set it in a Course by which I may be thoroughly informed.

For Sir *Rowland Egerton's* Cause, and his Lady's, the Parties have submitted themselves unto me, and are content to do it by Bond, and therefore I will un-

(a) Of Sir *Tho. Coventry* the King's Solicitor some mention is made in the Introduction. Sir *Henry Finch* Serjeant at Law, being the First of his Name, that for this last Age, has made such a considerable Figure in that Profession, I shall give a short account of him. He was younger Brother to Sir *Moyle Finch* of *Eastwel* in the County of *Kent*, and Father of *John* Lord *Finch*, Keeper of the Great Seal in the Reign of King *Charles* the First. He died in 1625, leaving to Posterity a sufficient Testimony of his Learning in the Law, as well as the Sciences; in his Book Intituled a Description of the Common Laws of *England* according to the Rules of Art, &c. His Sons good Parts and Elocution were acknowledged by the greatest of his Enemies; which accomplishments, though he died without Issue, have eminently appear'd in some other Descendants from this Honourable Family.

doubtedly make an end of it according to Justice and Conscience.

For Sir *Gilbert Houghton's* Business I am in very good hope to effect your Lordship's desire for his good.

For *Moor's* Business, concerning the Printing of Books, after hearing all Parties, I have Sealed his Patent ; but for his former Patent of Salt I dare not do it, without acquainting the Council therewith, which I am ready to do, if he require that Course to be taken.

If his Majesty at any time ask touching the Lord *Clifton's* Business, I pray your Lordship represent to his Majesty thus much, That whatsoever hath passed, I thank God, I neither fear him, nor hate him ; but I am wonderful careful of the *Seat of Justice*, that they may still be well munited, being Principal Sinews of his Majesty's Authority. Therefore the Course will be (as I am advised) that for this heinous Misprision (that the party without all colour or shadow of Cause, should threaten the life of his *Judge*, and of the highest Judge of the Kingdom next his Majesty) he be first examin'd, and if he confess it, then an *Ore tenus* ; if he confess it not, then an *Information* in the *Star chamber*, and he to remain where he is till the hearing. But I do purposely forbear yet to have him examin'd, till the decree or agreement between him and my Lord *Aubigny* (which is now ready) be perfected, least it should seem an oppression by the terror of the one, to beat him down in the other. Thus *I ever rest,*

York-House, Jan.
25. 1617.

*Your Lordship's true Friend,
and devoted Servant.*

Fr. Bacon. Canc.

I pray

I pray your Lordship to pardon me if in respect of a little watering in one of mine Eyes, I have written this Letter, being long and private business in my Secretary's Hand.

CX.

From the Original.

To the KING.

It may please your most Excellent Majesty,

Finding as well by your Majesty's Dispatches and Directions to your Council, as now by Speech with Mr. Secretary Laque; that your Majesty is content to be troubled with Business of sundry Natures. I thought good according to the Duty of my Place, and the necessity of the Occasion, to put your Majesty in mind, that on this day fennight being *Friday* in the Morning, I am according to custom to give a Charge and Admonition to the Judges and Justices of Peace now before the *Circuits*; wherein I am humbly to crave your Majesty's Pleasure and Directions.

I have for your Majesty's better ease set down the Heads, which by the Prescript of your Book, and out of the consideration of the present times, I have thought fittest to be remembred. I have also sent your Majesty the last account of the Judges Circuits, not to trouble you with the reading of them all; but to the end that if upon my Memorial, or otherwise out of your Majesty's own memory, which is above *Memorials*, you should have occasion to resort to those Accounts, the Papers may be by you.

The *Point* of greatest weight in my Opinion, is the carrying of a *Ballanc'd hand* at this time in the matter of *Recusants*, in regard of the *Treaty* with *Spain*. For it were good in respect of your *People*, that there were no Note made, that the String is *relaxed*, and in respect of the *Treaty*, that it is not *strained*: And therefore that the proceeding in those Causes be rather diligent than severe.

I am wonderful glad to hear, that this Extremity of Weather, which I think the *Muscovite* hath brought with him, hath not touched your Majesty, whose Health and ease is far dearer to me, then my life with all the appurtenances. God ever preserve and prosper you.

*Your Majesty will be pleas'd
your Answer be with me on
Thursday at Noon, or soon
after it.*

*Your Majesty's most Faith-
ful and most Obliged
Servant,*

This Friday Morning the Sixth of
February, 1617.

Fr. Bacon, Canc.

CXI.

From the Original.

To the *Marquis* of *Buckingham*.

My very good Lord.

MR. *Chancellor* of the *Exchequer* hath signified to me this day, that yesterday his Majesty called him to his Coach, and said to him, that one that had used ill speech of me should be called before me, and make his submission to me; and thereupon be called
ore

before the Council, and receive a sharp Reprehension, and so be enlarged. And Mr. *Chancellor* could not tell me who the Person was, but after by some Letter, he receiv'd from my Lord *Clifton*, and speech with a Man of his, he perceiv'd it was he.

I pray your Lordship in humbleness to let his Majesty know, that I little fear the Lord *Clifton*, but I much fear the *Example*, that it will animate *Ruffius* and *Rodomonti* extremely against the Seats of Justice, (which are his Majesty's own Seats) yea and against all authority and greatness, if this pass without publick Censure and Example; It having gone already so far as that the Person of a Baron hath been committed to the *Tower*. The punishment it may please his Majesty to remit, and I shall not formally but heartily intercede for him, but an Example (setting my self aside) I wish for terror of Persons, that may be more dangerous than he, towards the least Judge of the Kingdom.

Therefore it may please his Majesty to speak of it with my self and my Lord's, when he cometh next, and in the mean time, I will command from his Majesty, the *Master* of the *Rolls*, and Mr. *Attorney*, who were appointed by the *Table* to examine him, to stay. God ever prosper you (a).

17 March, 1617.

Your Lordship's true Friend,
and Devoted Servant,

Fr. Bacon, *Canc.*

(a) I know not whether there was any Prosecution or no against the Lord *Clifton*, or whether it was prevented by the laying of violent hands upon himself, in the year ensuing.

*From the Original.*To the Marquis of *Buckingham*.*My very good Lord.*

I Pray your Lordship to signifie to His Majesty, that I thought it my duty to stay at the Seal, a Book of Sir *Francis Stewards*, and Sir *James Averlony*, &c. of 200 *l.* Land in Charge in *Fee-Simple*; My *Reasons*.

First, It is a Perpetuity and so much Rent in Diminution of Revenue certain.

Secondly, The Warrant (as is acknowledg'd) came only from my Lord of *Suffolk*, and not from Mr. *Chancellor*. And yet my Lord was wont to boast that since he was *Treasurer*, all Commissions and Contracts for Sale of the King's Land were broken off and ceased.

Thirdly, The Rate of the Monys paid by the Gentlemen, amounteth but to Thirteen Years Purchase, which is a plain Gift of a good Proportion of value.

If His Majesty now informed, iterate His Mandate, it is done, and I excused; but I could wish His Majesty would refer it to the Commissioners of the *Treasury*, how the Gentlemen may be otherwise satisfied.

I received Yester-night a brave account of the Commission of the *Wardes in Ireland*; which this one Year is advanced from 200 *l. per Annum* to 4000 *l.* which is Twenty fold multiplied. This I Write for two Reasons. *First*, Because I glory in it, because it was my Work wholly: Next because His Majesty may take occasion by this to look better to the Improvment of his *Wardes in England* in due time. God ever preserve and prosper you.

Tork-House, 27th.
July 1618.

Tour Lordships most obliged
Friend and faythful Servant
Fr. Verulam Canc.

CXIII.

CXIII.

From the Original.

To the Marquis of Buckingham.

My very good Lord.

I Am very glad to hear of the Honour His Majesty intendeth to my Noble Lady Your Lordships Mother. This amongst many other things, sheweth in Your Lordship *good Nature*, which is the Root of all Virtues, next Religion. Besides it doth sort well in States, when Place and Power do meet, and stand not to farre at distance. (a)

For the passing of it by Direction without *Bill* signed, it cannot be in Law. So is Mr. *Attorney's* Opinion, and so is mine; and therefore there is presently a Bill sent with an Indorsement of passing it by immediate *Warrant*, and this *Antedate*.

For the *Antedate*, I must present His Majesty with my *Caution* and with my *Obedience*.

For the * *Statute* tyeth me from *Antedates*; and indeed the Mischief is infinite: For by that means the King may grant any Land, &c. and take it away a Month hence, and grant it another by an *Antedate*. And surely were it Land or the like I would not say *Abfit*, or Your Majesty cannot do it, for a World: Or Your Majesty is Sworn and I am Sworn; or such brave

18 H. 6th
cap. 1.

(a) The Advancement of this Lady to the Title of Countess of Buckingham, was notwithstanding the Reasons here alledged, so ill resented by the House of Commons in 1626. That in the 11th. Article of their Impeachment of the Duke of her Son, it was objected against him as one of his Offences.

Phrases, but surely (I say) I would in humbleness represent it to His Majesty. (b)

But the Case of Honour differeth: For therein His Majesty's Prerogative and Declaration is absolute, and he may make him that is last to be first. And therefore upon his Majesty's Signification of his Pleasure upon the Indorsement of the Bill signed, I take it, I may lawfully do it.

I am here rejoicing with my Neighbours the Towns Men of St. *Albans* for this happy day the 5th. of *August* 1618. (c)

Gorhambury.

*Your Lordships most obliged
Friend and faithful Servant*

Fr. Verulam *Canc.*

(b) By this and the preceding Letter, it appears that as my Lord *Chancellor* thought it his Duty to offer to the King his Reasons against passing of a Patent; yet if then the King, who was Judge of the Inconvenience, was pleased to command it, he was obliged to allow the same. But in those things which were contrary to Law, as it is to be presumed, that after an humble Representation thereof, no Prince would exact, so no Minister in such a case would yield an Obedience.

(c) The 5th of *August* being the Anniversary of the King's Deliverance from the Earl of *Gowry's* Conspiracy, was by some called the Court-Holiday, and ridiculed as a Fiction; tho the truth thereof being delivered down by Archbishop *Spotswood*, and other good Historians, I see no great reason to call it into Question.

CXIV.

From the Original

To the Marquis of Buckingham.

My very good Lord,

I Thank your Lordship for your last loving Letter.
I now write to give the King an account of a *Patent*, I have stay'd at the Seal. It is of Licence to give in *Mortmain* Eight hundred Pound Land, though it be of *Tenure* in *Chief* to *Allen* that was the *Player*, for an *Hospital*. (a)

(a) That *Allen* the *Player*, who in his Age, founded an *Hospital* at *Dulwich* in *Surry*, had been an excellent Actor of the Comical and Serious Part; will appear evident to any one that shall thoroughly consider the following Epigram made by that admirable Dramatick Poet *Ben. Johnson*.

To Mr. Edward Allen.

If *Rome* so great, and in her wisest Age,
Fear'd not to boast the Glories of her Stage:
As skilful *Roscins*, and grave *Æsop*, Men
Yet Crown'd with Honours, as with Riches then;
Who had no less a Trumpet of their Name,
Then *Cicero*, whose every Breath was Fame.
How can so great Example die in me?
That, *Allen*, I should pause to publish thee;
Who both their Graces in thy self hast more
Outstrip'd, then they did all that went before.
And present worth in all do'st so contract
As others *speak*, but only thou do'st *aff*.
Wear this Renown. 'Tis just that who did give
So many *Poets* Life, by one should live.

Letters and Memoires.

I like well that *Allen* playeth the last *Act* of his Life so well; but if His Majesty give way thus to amortize his Tenures, his Courts of *Wards* will decay, which I had well hoped should improve.

But that which moved me chiefly is, that his Majesty now lately did absolutely deny Sir *Henry Savile* for 200 *l.* and Sir *Edwin Sandys* for 100 *l.* to the perpetuating of two Lectures, the one in *Oxford*, the other in *Cambridge*, Foundations of singular Honour to His Majesty (the best learned of *Kings*) and of which there is great want; whereas *Hospitals* abound; and Beggars abound never a whit the less. (b)

If his Majesty do like to pass the Book at all; yet if he would be pleas'd to abridge the 800 *l.* to 500 *l.* and then give way to the other two Books for the University, it were a *Princely* Work. And I would make an humble Suite to the King, and desire your Lordship to joyn in it, that it mought be so. God ever preserve and prosper you.

Tork-House this 18th of
August 1618.

*Tour Lordships most obliged
Friend and faithful Servant*

I have Written to my Lord Chamberlain being Chancellor of Oxford to help in the business.

Fr. Verulam Canc.

(b) It were to be wished this Observation did not hold true in these times; For tho' the Foundations of Hospitals are to be commended, which Sir *Fra. Bacon* hath done both in this Letter, and other his Writings; Yet it shews that some more adequate Remedy for supporting the Poor, then what arises from these Charities, or even from the Laws enacted for their Relief, was then, and yet is to be desired. And as the Defect thereof is no small Reproach to the Government of a Country, happy in its natural Product, and enrich'd by Commerce; so it would be an Act of the greatest Humanity, that the Poor might be provided for, and Beggary and Idleness the successive Nursery of Rogues, as far as possible, extirpated. And since his Majesty has recommended it to the Parliament from his Throne, with a tenderness becoming the Father of his Country, it is to be hoped, that Great Assembly, will be able in his Reign to effect so good a Work. Upon this occasion I cannot but take notice of a Story which has been spread abroad

CXV.

*From the Original**To the Marquis of Buckingham.**My very good Lord,*

Looking for matter of Service, I have found out a Suit for my self; and it is proper for me more then all Men, because it is within the accompt of the *Hamper*. *But I have made a Law to my self, that I will never beg any thing, which shall not bring a Gain to the King.* Therefore my Suit is to Farm the profits of the *Alienations*, yielding a Thousand Pound a Year more to the King then hath been yielded *communibus annis*, by a *Medium* of Seven Years. If the King be pleas'd to grant me this, it will a little warm the *Honour* he hath given me; and I shall have a new occasion to be, as I ever have been, and shall be

*York-House, 9 Octo-
ber 1618.*

*Your Lordships obliged Friend
and faithful Servant*

Fr. Verulam Canc.

broad to the Defamation of Sir *Fra. Bacon* (but upon no good Ground as far as I can judge) as if in the Accomplishment of the Foundation of the *Chartreux-Hospital* begun by Mr. *Sutton*, and carryed on by his Executors, Sir *Francis* who was then the King's *Solicitor*, had, for some ill Designs of gain to himself or others, endeavoured to have defeated the same. The Fact whereof was; That the Heir at Law supposing, that notwithstanding what Mr. *Sutton* had done in procuring Acts of Parliament, and Patents from the King in order to establish this Noble Charity, the greatest part of his Estate was descended to him; It was argued on his behalf, by the Solicitor General, and by Mr. *Henry Tolverton*, and Mr. *Walter* Men of great Reputation in those times. And whatever ill Intentions some of the Court might have, My Request to the Reader is that before he pass any Censure upon Sir *Fra. Bacon* relating hereunto, he would please to peruse his Advice given to the King touching Mr. *Sutton's* Estate, and Published in the *Resuscitatio* pag. 265.

CXVI.

*From the Original**To the Marquis of Buckingham.**My very good Lord,*

THis Morning Mr. *Attorney* came to me and desired of me many Writs of *Ne exeat regnum* against most of the *Dutch Merchants*, and withal let me understand that there was a Discovery of an infinite Transportation of Gold and Silver out of this Realm, by the said Dutch Merchants, amounting to Millions; and that Sir *John Britten* had made a Book thereof, and presented the same to his Majesty; and further that his Majesty had directed him to Prosecute the same; and had also given Sir *Thomas Vavisor* the forfeiture of such Ten of them as he should choose.

Hereupon I thought it my Duty, as in a matter of great Weight, to signifie to his Majesty by your Lordship, what I conceive.

The Discovery I think very happy. For if it be true, it will be a great benefit to his Majesty: It will also content his People much, and it will demonstrate also that *Scotland* is not the *Leech* (as some Discourfers say) but the *Netherlanders* that suck the Realm of Treasure. So that the thing is very good.

But two things I must represent to his Majesty: The *First*, that if I stay *Merchants* from their Trading by this Writ, I must do it either *ex Officio*, or by special *Warrant* from His Majesty.

If *ex officio*, then I must have more then a bare Surmise, to grant the Writ upon, so as I must be acquainted with the Grounds, or at least apparance of Proofs.

Proofs. If by Special *Warrant*, then I desire to receive the same. The other is that I humbly beseech his Majesty that these Royal Boughs of Forfeiture may not be Vintaged, or Cropp'd by private Suitors (considering his Majesties State as it is) but that Sir *Thomas Vavisor* or Sir *John Brittain* may have a bountiful and gracious Reward of their Discovery, but not the Prime, or without Stint.

In Sum, I would wish his Majesty to referr the whole businels and carriage of the same for his Honour and Profit to the Commissioners of *Treasure*, or because it is a legal Forfeiture to my self, Mr. *Chancellor*, Sir *Edward Coke* and my Lord *Chief Justice* of *England*, and by us his Majesty shall be assured to know the best course for his Justice, Honour, and Profit, and that he may dispose what Bounty he will. God ever preserve and prosper you.

York-House, 19 *Offo-*
ber 1618.

*Your Lordships most obliged Friend
and faithful Servant,*

Fr. Verulam Canc.

CXVII:

From the Original.

To the Marquis of Buckingham.

My very good Lord,

THis long Book which I send for his Majesties Signature, was upon a Conference and Consult, Yesternight (at which time I was assisted by the two *Chief Justices*, and attended by the *Surveyor*, *Attorney*, and

and *Receiver* of the Court of *Wards Fleetwood*) framed and allowed.

It is long, because we all thought fit not to piece new Instructions with old Instructions, but to reduce both old and new into one Body of Instructions. I do not see, that of the Articles which are many, any could have been spared. They are plain, but they have a good property, that they will take fast hold. I may not trouble his Majesty with chusing some of them in particular, when all are good. Onely I think fit to let his Majesty know of one, which is that according to his own Directions, The Oath of making no private unlawful Profit) is now as well Translated to the Master and Officers that may take, as to the Parties and Suitors that may give.

It little becometh me to possess his Majesty that this will be to his Majesties benefit Ten thousands yearly or Fifteen thousands or Twenty thousands: For these Rattles are fitter for *Mountebanks* of Service, then *Grave Councillors*. But my Advices (as far as I am able to discern) tend or extend but to thus much: This is his Majesties surest and easiest way for his most good.

Sir *Miles Fleetwood*, who both now and heretofore, hath done very good Service in this, meriteth to be particularly from your Lordship encouraged; which I beseech your Lordship not to forget. God ever prosper you.

This 4th of Decem-
ber 1618.

*Tour Lordships most faithfull
bounden Friend and Servant*

Fr. Verulam Canc.

CXVIII.

To the KING.

It may please Your most Excellent Majesty.

I do many times, with gladness, and for a remedy of my other Labours, revolve in my mind the great happiness which God (of his singular goodness) hath accumulated upon your Majesty every way; and how compleat the same would be, if the state of your means were once rectified, and well ordered. Your *People* Military and Obedient, fit for War, used to Peace; Your *Church* illightened with good Preachers, as an Heaven of Stars; Your *Judges* learned, and learning from you, Just, and just by your Example: Your *Nobility* in a right distance between Crown and People, no Oppressors of the People, no over-shadows of the Crown; Your *Council* full of Tributes of Care, Faith and Freedom; Your *Gentlemen* and *Justices* of Peace willing to apply your Royal Mandates to the nature of their severall Countyes, but ready to obey; your *Servants* in awe of your Wisdom, in hope of your Goodness: The *Fields* growing every day, by the improvement and recovery of Grounds from the Desert to the Garden; The *City* Grown from Wood to Brick; Your *Sea-Walls* or *Pomærium* of your Island, Surveyed, and in Edifying; Your *Merchants* embracing the whole Compass of the World East, West, North, and South; The Times give you Peace, and yet offer you opportunities of Action abroad: And lastly your Excellent *Royal Issue* entaileth these Blessings and Favours of God to descend to all Posterity. It resteth therefore, that
God

God having done so great things for Your Majesty and you for others ; you would do so much for your self, as to go through (according to your beginnings) with the rectifying and settling of your Estate and Means, which only is wanting ; *Hoc rebus defuit unum*. I therefore whom only Love and Duty to your Majesty, and your Royal Line hath made a *Financier*, do intend to present unto your Majesty a perfect Book of your *Estate* like a Perspective Glass, to draw your Estate nearer to your sight ; beseeching your Majesty to conceive, that if I have not attained to do, that I would do, in this which is not proper for me, nor in my Element, I shall make Your Majesty amends in some other thing, in which I am better bred. God ever preserve, &c.

Jan. 2d. 1618.

CXIX.

From the Original

To the Marquis of Buckingham.

My very good Lord,

I Send His Majesty a Volume of my Lord of *Bangors* and my Lord *Sheffield*, whereof I spake when I left his Majesty at *Theobaldes*. His Majesty may be pleas'd at his own good time and pleasure, to cast his Eye upon it. I purpose at my coming to *London* to conferr with the chief Justice as his Majesty appointed ; And to put the business of the *Pursevants* in a way, which I think will be best by a Commission of Oyer and *Terminer* ; for the *Star Chamber* (without Confession) is *long Seas*. I should advise that this point of the *Pursevants*

vants were not single, but that it be coupled in the Commission with the Offences of Keepers of Prisons hereabouts, it hath a great Affinity; for *Pursevants* are but Ambulatory Keepers, and it works upon the same Party (of the Papists.) And it is that wherein many of his Majesties and the *Councils* severe Charges, have been hitherto Unfruitful: and it doth a great deal of mischief. I have some other Reasons for it. But of this it will be fittest, to advertize more particularly, what I have resolved of on Advice, upon Conference with the *Chief Justice*. I am wonderful glad to hear of the King's good health. God preserve His Majesty and Your Lordship. I ever rest

Gorhambury this last
of July, 1619.

*Your Lordships most obliged
Friend and faithful Servant*

Fr. Verulam Canc.

CXX.

From the Original

To the Marquis of Buckingham.

My very good Lord,

I Think it my Duty to let his Majesty know what I find in this Cause of the *Ore tenus*. For as his Majesty hath good Experience, that when his business comes upon the *Stage*, I carry it with *Strength* and *Resolution*, so in the *Proceedings* I love to be *wary* and *considerate*.

I wrote to Your Lordship by my last, that I hoped by the care I had taken, the business would go well, but without that care I was sure it would not go well. This I meant because I had had Conference with the two chief Justices, Sir *Edward Cooke* being present, and handled the Matter so, that not without much ado, I left both the chief Justices firm to the Cause and satisfied.

But calling to mind that in the main business, notwithstanding I and the chief Justices went one way, yet the day was not good (and I should be loth to see more of such days) I am not without some apprehension. For though we have Sir *Edward Cooke* earnest and forward, insomuch as he advised the *Ore tenus*, before I knew it at *Wansted*, and now bound the *Dutchmen* over to the Starr-Chamber, before I was made Privy; unto both which Proceedings I did nevertheless give approbation: Yet if there should be either the major part of the Votes the other way, or any main Distraction, though we bear it through, I should think it a matter full of Inconvenience. But that which gives me most to think, is the Carriage of Mr. *Attorney*, which sorteth neither with the business, nor with himself: For as I hear from divers and partly perceive, he is fallen from earnest to be cool and faint. Which weakness, if it should make the like alteration at the Barre, it might overthrow the Cause. All the remedy which is in my power, is by the advice of the Judges to draw some other of the learned *Counsell* to his help, which he I know is unwilling with, but that is all one.

This I thought it necessary to write, lest the King should think me asleep, and because I know that his Majesties Judgment, is far better then mine. But I for my part mean to go on roundly and so I ever rest,

9th October 1619.

*Your Lordships most obliged Friend
and faithful Servant.*

Fr. Verulam Canc.

If the King in his great Wisdom, should any ways incline to have the *Ore tenus* put off, then the way were to command, that the matter of the *Ore tenus* should be given in Evidence, by way of Aggravation in the main Cause. And it is true, that if this Precusory matter goeth well, it giveth great entrance into the main Cause; if ill, contrariwise, it will do hurt and disadvantage to the main.

CXXI.

From the Original.

To the Marquis of Buckingham.

My very good Lord,

THese things which I write now and heretofore in this Cause; I do not write, so as any can take knowledg, that I write, but I dispatch things *ex officio* here, and yet think it fit inwardly to advertize the King, what doth occurre. And I do assure your Lordship, that if I did serve any King, whom I did not think farre away wiser, then my self, I would not write in the mid'st of business, but go on of my self.

This Morning, notwithstanding my speech yesterday with the * *Duke*, he delivered this Letter inclosed, and I having cleared the Room of all save the Cout, and learned Counsel (whom I required to stay) the Letter was read, a little before our hour of sitting. When it was read, Mr. *Attorney* began to move, that my *Lord* should not acknowledge his offences, as he conceived he had committed them, but as they were charged; and some of the Lords speaking to that point, I thought fit to interrupt and divert that kind of question; And said, before we consider'd of the extent of my Lords

* Of *Lenox*

Submission, we were first to consider of the extent of our own *Duty* and *Power*; For that I conceived it was neither fit for us to stay proceeding, nor to move his Majesty in that which was before us in course of Justice. Unto which (being once propounded by me) all the Lords and the rest *unâ voce* assented. I would not so much as aske the question, whether though we proceeded, I should send the Letter to his Majesty, because I would not streighten his Majesty in any thing.

The Evidence went well (I will not say I sometime help it, as far as was fit for a Judge) and at the arising of the Court, I moved their Lordships openly, whether they would not continue this Cause from day to day, till it were ended; which they thought not fit in regard of the general Justice, which would be delayed in all Courts. Yet afterwards within I prevailed so far, as we have appointed to sit Wednesday, Thursday and Fryday, and to sit by eight of the Clock, and so to dispatch it before the King come, if we can. God preserve and prosper you.

I ever rest

This 22th. of October
Friday at 4 of the
Clock, 1619.

*Your Lordships most obliged Friend
and faithful Servant,*

Fr. Verulam Canc.

CXXII.

To the Marquis of Buckingham.

My very good Lord,

MY Lord of *Suffolk's* Cause is this day sentenced. My Lord and his Lady fined at 30000 *l.* with Imprisonment in the Tower at their own charges. *Bingley*

ley at 2000 *l.* and committed to the Fleet. Sir *Edward Cooke* did his part, I have not heard him do better, and began with a fine of an 100000 *l.* but the Judges first and most of the rest reduced it as before. I do not dislike that things passed moderately, and all things considered it is not amiss, and might easily have been worse.

There was much speaking of interceding for the Kings mercy, which in my Opinion, was not so proper for a Sentence. I said in conclusion that mercy was to come *ex mero motu*, and so left it: I took some other occasion pertinent to do the King Honour by shewing how happy he was in all other parts of his Government, save only in the manage of his Treasure by these Officers.

I have sent the King a new Bill for *Suffex*, for my Lord of *Nottinghams* Certificate was true, and I told the Judges of it before, but they neglected it. I conceive the first Man, which is newly set down, is the fittest.

God ever preserve and keep you, &c.

13 November 1619-

CXXIII.

From the Original

To the Marquis of Buckingham.

My very good Lord,

I Do not love to interlope by Writing in the mid'st of business. But because his Majesty commanded me to acquaint him with any Occurrence which mought cross the way; I have thought fit to let his Majesty know what hath passed this day. This

This day (which was the day set down) the great Cause of the *Dutchmen* was enter'd into. The Pleading being open'd, and the Case stated by the Counsel; the Counsel of the Defendants made a motion to have certain Examinations taken concerning the old Defendants suppressed, because they were taken since the last hearing.

* To the perverting of the Judges Conscience.

† To the directing of the Judges Conscience.

I set the business in a good way, and shewed they were but supplemental, and that at the last hearing, there were some things extrajudicial alledged * *ad Informandum Conscientiam Judicis*, and therefore there was more reason these should be used † *ad Informandum Conscientiam Judicis*, and that there was order for it. The Order was read, and approved both by the Court, and the Defendants own Counsel; but it was alledged, that the Order was not enter'd time enough, whereby the Defendants mought likewise examine, wherein certainly there was some slip or forgetfulness in Mr. *Attorney* or *Britten* that followed it, which I wish had been otherwise, yet it went fair out of the Court.

* All things to all men.

But after Dinner my *Lords* were troubled with it, and after much dispute, we have agreed to confer silently, and *sine Strepitu* to morrow and set all streight, calling the Judges, and the Learned Counsel, with whom I have spoken this Evening, I think, to good purpose. For in good faith I am fain to be * *Omni-bus Omnia* as St. *Paul* saith, to set forward his Majesties Service.

I discern a kind of Inclination to take hold of all Accidents to put off the Cause, whereunto neither I shall give way, nor I hope his Majesty; To morrow, if cause be, I shall write more, but I hope all shall be well, I ever rest.

Friday night, 19th.
November 1619.

Tour Lordship's most obliged
Friend and faithful Servant,
Fr. Verulam Canc.

CXXIV.

From the Original

To the Marquis of Buckingham.

My very good Lord,

I Have conferred with Sir *Lyonel Cranfield* according to his Majesties special commandment, touching two points of value, for the Advancement (the one present, the other speedy) of his Majesties Revenue.

The *First* is of the *Corans*, to restore the Imposition of five Shillings six Pence, laid in the late *Queens* time, and drawn down unduly to serve private turns to Three shillings Four pence; which will amount to above Three thousand Pounds yearly increase.

The *other* is, of the *Tobacco* for which there is offer'd 2000 *l.* increase yearly, to begin at *Michaelmas* next, as it now is, and 3000 *l.* increase, if the Plantations of Tobacco, here within land be restrained,

I approve in mine own Judgment both Propositions, with these Cautions. That for the First the Farmers of the *Corans* do by Instrument under their Seal relinquish to the King all their claim thereto, by any general words, of their Patent. And for the second that the Bargain be concluded, and made before the Proclamation go forth; wherein perhaps there will occur some doubt in Law, because it restraineth the Subject in the Imployment of his Freehold at his liberty. But being so many ways * *pro bono publico* I think it good enough.

* For the publick good.

His Majesty may therefore be pleased to write his Letter to the Commissioners of the *Treasury*, signifying his Majesties pleasure directly in both points, to have them done, and leaving to us the consideration *de Modo*.

God ever prosper you. *I rest*

*Your Lordships most obliged Friend
and faithful Servant,*

Fr. Verulam Can.

22 November 1619.

CXXV.

From the Original.

To the KING.

May it please your most Excellent Majesty,

ACCORDING to your Commandment, we met together yesterday at *Whitehall*, and there consulted what course were fittest to be taken now in this Business of your Majesty's *Attorney* General, both for the satisfying your own Honour, as also for calling in the late exorbitant *Charter* of the *City*; which are the two ends, as we conceive, that your Majesty propos'd unto your self.

To effect both which, we humbly presume to present thus much unto your Majesty as our Opinion. First, That an *Information* be put into the *Star-chamber*, as we formerly advis'd, against your *Attorney* as Delinquent, against the *Mayor*, &c. as interess'd, and against the *Recorder* also mixtly with some Touch of Charge.

That the Submission by Letter offer'd by Mr. *Attorney* is no way satisfactory for your Majesty's Honour, but is to be of Record by way of Answer, and deduced to more Particulars.

That any Submission or Surrender of the *Patents* by the *City*, should be also of Record in their Answer; and no other can be receiv'd with your Majesty's Honour, but by Answer in Court: The same to come meerly of themselves, without any motion on your Majesty's behalf, directly or indirectly; which being done in this Form, it will be afterwards in your Majesty's
Choice

Choice and Pleasure to use Mercy, and to suspend any farther Proceedings against your Attorney.

That it is of necessity as well for the putting in of this Information, as for your Majesty's other urgent and Publick Services in that and other Courts, to have a *Sequestration* presently of your *Attorney*, and a Provisional Commission to some other during your Majesty's Pleasure to execute that Charge. For both which Instruments Legal shall be provided as soon as your Majesty's Pleasure is known. To which we humbly and dutifully submit our Advice, and Opinion, beseeching God to bless your Majesty's Sacred Person with continuance and encrease of much Health and Happiness. Wherewith humbly kissing your Royal Hands, We rest,

At your Majesty's Palace
of Whitehall, 16 June
1620.

*Your Majesty's most humble, and
Faithful Subjects and Servants,*

Fr. Verulam, Canc. T. Arundel, Robert
Naunton, Geo. Calvert, Jul. Cæsar,
Edw. Coke.

CXXVI.

From the Original.

To the *Marquis of Buckingham.*

My very good Lord,

I Have lately certified his Majesty on the behalf of Sir George Chaworth, by Secretary Calvert, touching the place of a *Remembrancer* in the *Chancery* for setting down of Causes. And because the Gentleman

K k

telleth

telleth me, the King thought my Certificate a little doubtful; He desired me to write to your Lordship, touching my approbation more plainly. It is true, that I conceive it to be a good business, and will be for the *Service* of the Court, and *ease* of the Subject; I will look it shall be accompanied with good *Cautions*.

We ruffle over Business here in Council apace, and I think to reasonable good purpose. By my next I will write of some fit Particulars. I ever rest,

21 June 1620.

*Your most Obliged Friend
and Faithful Servant,*

Fr. Verulam, Canc.

CXXVII.

From the Original.

To the Marquis of Buckingham.

My very Good Lord,

Yesterday I called unto Us the Two *Chief Justices* and Serjeant *Crewe* about the *Parliament* Business. To call more Judges I thought not good. It would be little to assistance, much to *Secrecy*: The distribution of the Business we made was into *four* parts.

First, the perusing of the former *Grievance*, and of things of like nature which have comen since.

2dly, The Consideration of a *Proclamation* with the *Clauses* thereof, especially touching *Elections*, which *Clauses* nevertheless we are of opinion should be rather *Monitory* than *Exclusive*.

3dly, The

3dly, The *Inclusive*: That is to say, what persons were fit to be of the House, tending to make a sufficient and well composed House of the ablest Men of the Kingdom, fit to be advised with *Circa ardua regni*, as the style of the *Writs* goeth, according to the pure and true Institution of a *Parliament*; and of the means to place such Persons without Novelty or much Observation. For this purpose we made some Lists of Names of the Prime Counsellors, and Principal Statesmen or Courtiers; of the gravest or wisest Lawyers; of the most respected and best temper'd Knights and Gentlemen of the County. And here *Obiter* we did not forget to consider who were the *Boutefeus* of the last Session, how many of them are dead, how many reduced, and how many remain, and what were fit to be done concerning them.

4thly, The having ready of some *Commonwealth Bills*, that may add respect and acknowledgment of the King's care; not wooing Bills to make the King, and his Graces cheap; but good matter to set them on work, that an empty Stomack do not feed upon Humor.

Of these four Points, that which concerneth Persons is not so fit to be Communicated with the Council-Table, but to be kept within fewer hands. The other three may when they are ripe.

Mean while I thought good to give his Majesty an account what is done, and in doing, humbly craving his Direction if any thing be to be alter'd or added; though it may be our selves shall have second thoughts, this being but the Result of our first meeting.

The State of his Majesty's *Treasure* still maketh me sad; and I am sorry I was not at *Theobalds* to report it, or that it was not done by my Fellows: It is most necessarily we do it faithfully and freely. For to flatter in

* Like
Letters
written in
Ice.

this were to betray his Majesty with a kiss. I humbly pray his Majesty to think of my former counsel, and this I will promise that whomsoever his Majesty shall make *Treasurer*, if his Majesty shall direct him to have relation to my advice, I will continue the same care and advice I do now, and much more chearfully when I shall perceive, that my *Propositions* shall not be * *Literæ Scriptæ in Glacie*.

Mean while to keep the *Commission* in doing of somewhat worth the doing. It may please his Majesty to take knowledge that upon our Report, we had agreed to make Remonstrance to him, that we thought *Ireland* mought (if his Majesty leave it to our care) be brought by divers good Expedients to bear their own charge; and therefore his Majesty may be pleas'd by his Commandment to set us in hand with it out of hand. God ever prosper you.

7 Octob. 1620.

*Your Lordship's most Obliged Friend
and Faithful Servant,*

Fr. Verulam, *Canc.*

CXXVIII.

✓ *This Letter was Written with the King's own Hand, to my Lord Chancellor Verulam, upon his Lordship's sending to his Majesty his Novum Organum.*

My Lord,

I Have received your Letter, and your *Book*, than the which, you could not have sent a more acceptable Present unto me. How thankful I am for it, cannot better

better be expressed by me, than by a firm resolution, I have taken ; First to read it through, with care and attention, though I should steal some hours from my sleep. Having otherwise, as little spare-time to read it, as you had to write it. And then to use the liberty of a true Friend, in not sparing to ask you the Question, in any point, whereof I shall stand in doubt : * (*Nam ejus est explicare, cujus est condere ;*) As, on the other part, I will willingly give a due Commendation to such places, as in my opinion, shall deserve it. In the mean time, I can with comfort assure you, that you could not have made choice of a Subject more befitting your Place, and your *Universal* and *Methodical Knowledge* : And in the General, I have already observed, that you jump with me, in keeping the mid-way, between the two Extremes ; as also in some Particulars, I have found that you agree fully with my Opinion. And so praying God, to give your *Work*, as good success, as your heart can wish, and your Labours deserve, I bid you heartily Farewell.

* For the Author is the best Interpreter.

Octob. 16. 1620.

James R.

CXXIX.

To Sir Henry Wotton. (a)

My very Good Cousin,

THE Letter which I receiv'd from your *Lordship* upon your going to Sea, was more than a Compensation for any former Omission ; and I shall be very glad

(a) When this Letter, together with the other two next before and after it, were written upon the occasion of my Lord *Chancellor's* Publishing his *Novum Organum* ; Sir *Henry Wotton*, so Eminent for his many Embassies, great Learning, Candor, and other Accomplishments, was Resident at

glad to entertain a Correspondence with you, in both kinds, which you write of : For the latter, I am now ready for you, having sent you some *Ore* of that *Mine*. I thank you for your Favours to Mr. *Meautys*, and I pray continue the same. So wishing you out of your Honourable Exile, and placed in a better *Orbe*, I rest,

Tork-House, 20
Octob. 1620.

*Your Lordship's affectionate Kinsman,
and assured Friend,*

Fr. Verulam, Canc.

at *Vienna*, endeavouring to quench that Fire which began to blaze in *Germany*, upon the Proclaiming the Elector *Palatine* King of *Bohemia*. How grateful a Present this Book was to Sir *Henry*, cannot better be expressed than by his answer to this Letter ; which tho' it may be found in his *Remains*, I hope the Reader will not be displeas'd to see part of it Transcribed in this Place.

Right Honourable and my very Good Lord,

I Have your Lordship's Letters dated the 20th of *October*, and I have withall by the care of my Cousin *Meautys*, and by your own special Favour three Copies of that *Work*, wherewith your Lordship hath done a great and ever-living Benefit to all the *Children of Nature*, and to *Nature* her self in her uttermost extent and Latitude : Who never before had so Noble nor so true an *Interpreter*, or (as I am readier to style your Lordship) never so inward a *Secretary* of her *Cabinet*. But of your said *Work* (which came but this Week to my Hands) I shall find occasion to speak more hereafter ; Having yet read onely the First Book thereof, and a few *Aphorisms* of the Second. For it is not a Banquet that Men may superficially Taste, and put up the rest in their Pockets ; but in truth a solid Feast, which requireth due Mastication. — And so on.

But I am gone further than I meant in speaking of this Excellent Labour, while the Delight yet I feel, and even the Pride that I take in a certain Congeniality (as I may term it) with your Lordship's Studies, will scant let me cease. And indeed I owe your Lordship even by promise, (which you are pleas'd to remember, and thereby doubly binding me) some trouble this way ; I mean by the Commerce of *Philosophical Experiments*, which surely, of all other, is the most ingenuous Traffick.

CXXX.

A Letter from the Lord Chancellor *Verulam* to the University of *Cambridge* upon sending to their Publick Library his *Novum Organum*, to which this Letter written with his own Hand is affixed.

V Almæ Matri Academiæ *Cantabrigiensi*.

CUM vester Filius sim & Alumnus, voluptati mihi erit, Partum meum nuper editum vobis in Gremium dare: Aliter enim velut pro Exposito eum haberem. Nec vos moveat, quod via nova sit. Necesse est enim talia per *Ætatum* & *Seculorum* Circuitus evenire. Antiquis tamen suus constat Honos; Ingenii scilicet: Nam Fides verbo Dei & Experimentiæ tantum debetur. Scientias autem ad Experimentiam retrahere, non Conceditur: At, easdem ab Experimentiâ de integro excitare, Operosum certè, sed Perivium. Deus vobis & Studiis vestris Faveat.

Ex *Ædibus Eborac.*
3^{mo} Octob. 1620.

Filius vester Amantissimus,

Franc. Verulam, Canc.

CXXXI.

From the Original.

To the Marquis of Buckingham.

My very good Lord.

I send his Majesty a Form of a *Proclamation* for the *Parliament*, which I thought fit to offer first to his Majesty's perusal, before I acquainted the *Council*.

For that part which concerneth the *Foreign* Business, his Majesty will graciously consider, how easy it is for me to mistake, or not to attain; which his Majesty in his Wisdom will pardon, correct, and direct.

For that part touching the *Elections*, I have communicated it with my Collegues, Sir *Edward Coke*, the Two *Chief Justices*, and Serjeant *Crew*, who approve it well; and we are all of opinion, that it is not good to have it more peremptory, more particular, nor more sharp.

We are thinking of some *Commonwealth Laws*, amongst which I would have one special for the *Maintenance of the Navy*, as well to give occasion to publish (to his Majesty's Honour) what hath been already done; as, to speak plainly, to do your Lordship's Honour in the second place; and besides, it is agreeable to the *Times*. God ever prosper you.

18 Octob. 1620.

*Your Lordship's most obliged
Friend and faithful Servant,*

Fr. Verulam Canc.

CXXXII.

CXXXII.

From the Original.

*Draught of a Proclamation for a Parliament,
referred to in the preceding Letter.*

AS in our princely Judgement, we hold nothing more worthy of a *Christian Monarch*, than the *Conservation* of Peace at home and abroad; whereby Effusion of Christian Blood, and other Calamities of War, are avoided, Trade is kept open, Laws and Justice retain their due vigor and play, Arts and Sciences flourish, Subjects are less burthened with Taxes and Tallages, and infinite other benefits redound to the state of a Common-weale: So in our own Practice, we suppose there hath been seldom any King, that hath given more expresse Testimonies and real Pledges of this desire to have Peace conserved, then we have done in the whole course of our Regiment.

For neither have we, for that which concerns our selves, been ready to apprehend or imbrace any occasions or opportunities, of making *War* upon our Neighbours; Neither have we omitted, for that which may concern the States abroad, any good Office or royal Endeavour, for the quenching of the Sparkes of troubles and discords, in Forreign Parts. Wherein as we have been always ready and willing; so we wish, that we had been always as happy and prevailing in our Advices and Counsels, that tended to that end.

And yet do we not forget, that God hath put into our hands a *Sceptre* over Populous and Warlike Nations, which mought have moved us, to second the Affection and Disposition of our People, and to have

L

wrought

wrought upon it, for our own Ambition, if we had been so minded. But it hath sufficed unto us, to seek a *true* and not *swelling* Greatness, in the *Plantations* and Improvements, of such Part of our Dominions, as have in former times been more desolate or uncivil, and in the maintaining of all our loving Subjects in general, in Tranquility and Security, and the other Conditions of good Government, and happy Times. But amongst other Demonstrations, of our constant purpose, and provident care, to maintain Peace; There was never such a Tryal, nor so apparent to the World (as in a *Theatre*) as our persisting in the same Resolution, since the time that our dear Son in Law, was elected and accepted *King of Bohemia*; by how much the Motives tending to shake and assaile our said Resolution were the more forcible. For neither did the Glory of having our dearest Daughter and Son in Law to wear a Crown; Nor the extreme alacrity of our People devoted to that Cause; nor the Representations, which mought be set before us of Dangers (if we should suffer a *Partie* in *Christendom*, held commonly adverse and ill affected to our State and Government, to gather further Reputation and Strength) transport us, to enter into an Auxiliary War, in prosecution of that Quarrel: But Contrariwise finding the Justice of the Cause, not so clear, as that we could be presently therein satisfied; and weighing with our selves likewise, that if the Kingdom of *Bohemia* had continued in the house of *Austria*; yet nevertheless, the *Ballance* of *Christendom* had stood in no other sort then it had done for many Years before, without increase of *Partie*; and chiefly fearing that the Wars in those Parts of *Germany*, which have been hitherto the Bulwark of *Christendom*, against the approaches of the *Turk*, mought by the Intestine Disensions, allure and let in the Common Enemy; We did.

did abstain to declare, or engage our selves in that War; and were contented only to give Permission to the Ambassadour of our Son in Law, to draw some *Voluntary* helps of *Men* and *Money* from our Subjects, being a Matter that violated no Treaty, and could not be denied in case of so near a Conjunction.

But, while we contained our selves in this Moderation, we find the Event of War, hath much altered the Case, by the late Invasion of the *Palatinate*, whereby (howsoever under the pretence of a Diversion) we find our Son in Fact, expelled in Part, and in danger to be totally dispossessed of his *Antient* Inheritance and Patrimony, so long continued in that *Noble Line*; whereof we cannot but highly resent, if it should be alienated, and ravished from him, in our times, and to the prejudice of our Grand-Children and Line-Royal. Neither can we think it safe, for us in reason of State, That the *Countie Palatine*, carrying with it self an *Electorate*, and having been so long in the hands of Princes of our Religion, and no way depending upon the House of *Austria*, should now become at the disposing of that House; being a Matter, that indeed mought alter the Ballance of Christendom importantly, to the weakening of our Estate, and the Estate of our best Friends and Confederates.

Wherefore, finding a Concurrence of Reasons and Respects of *Religion*, *Nature*, *Honour*, and *Estate*; all of them inducing us, in no wise to indure so great an Alteration: We are resolved to imploy the uttermost of our Forces and Means, to recover and resetttle the said *Palatinate* to our Son, and our Descendents, purposing nevertheless, according to our former Inclination so well Grounded, not altogether to intermit (if the Occasions give us leave) the Treaties of Peace and Accord, which we have already begun, and whereof

I pray God
this hold.

the coming on of the Winter, and the Counterpoise of the Actions of War, hitherto may give us, as yet some appearance of hope.

But, forasmuch as it were great improvidence, to depend upon the success of such Treaties, and therefore good Policy requires, that we should be prepared for a War, which we intend for the recovery and assuring of the said *Palatinate*, with the Dependances, (a Design of no small Charge and Difficulty, the Strength and Conjunctures of the adverse Party considered) We have thought good to take into our princely and serious Consideration (and that with speed) all things that may have Relation to such a Designment; amongst which, we hold nothing more necessary than to confer and advise with the *Common-Council* of our *Kingdom*, upon this so important a *Subject*.

For although the making of *War* or *Peace*, be a secret of *Empire*, and a thing properly belonging to our high Prerogative Royal, and Imperial Power (a); yet nevertheless, in Causes of that Nature, which we

(a) That the making of *War* or *Peace*, was a *Prerogative* belonging to the Crown of *England*, has been an Opinion so received, that it seems to have been raised upon a better Foundation, than that of *Court Flattery*. But seeing, that in the Debates between King *Charles I.* and the Parliament touching the *Militia*, It was by a Gentleman of the *Robe*, and others asserted, to be lodged in the King and Parliament, and that there were many Presidents, to prove, that the Kings had advised with them about their Foreign Wars; and that very lately, a Doctor of the *Civil Law*, hath in an *Essay* upon this Subject, produced many Instances from the Records to the same purpose, and some others as if Lords and Commons ought to be consulted therein: I shall not pretend to affirm this Position, without some Restrictions. Yet thus much I must needs say in Justification of my Lord *Verulam*, That in the Difference, arising in the ensuing Parliament, upon this very Matter, the Commons in their *Petition* admit of the same. For upon the King's Resentment of their advising him to recover the *Palatinate* by War, and in what manner to make it, to break off the *Treaties* with *Spain*, particularly that of Marriage for the Prince. It is thus declared, *In the Discourse whereof we did not assume to our selves, any Power, to determine of any part thereof, nor intend to intrude upon*

we shall think fit not to reserve, but to communicate : We shall ever think our selves much assisted and strengthened, by the faithful Advice, and general Assent of our loving Subjects.

Moreover, No Man is so ignorant, as to expect that we should be any ways able (Money's being the Sinews of War) to enter into the List against so great Potentates, without some large and bountiful help of *Treasure* from our People ; as well towards the Maintenance of the War, as towards the relief of our Crown and Estate. And this the rather, for that we have now, by the space of full Ten years (a thing unheard of in late times) subsisted by our own Means, without being chargeable to our People, otherwise than by some

the Sacred Bounds of your Royal Authority ; to whom, and to whom only, we acknowledge, it doth belong to resolve of Peace and War, and the Marriage of the Prince, &c. But hereupon, this Gentleman, in his *Essay*, distinguishes between the *Royal Authority*, as derived from the *Law*, and the *Prerogative*, which pag. 205. 220. he says, is of a higher Nature, and something above the *Law* ; by which the King is enabled to act in some cases where the *Law* is silent, and in others arising upon great Emergencies, such as the destroying of a Frontier County, in case of Invasions, &c. And so concludes, That this Power of making War and Peace, is in the King, by Vertue of his *Royal Authority*, as part of the Executive Power, and not by his *Prerogative*. Whereas my Lord Coke, does affirm in his *Institutes*, and other Lawyers also, That the *Prerogative* is part of the *Common-Law*, and therefore not above it : So that this seems to be a distinction without a difference : But however, if the ancient English Kings (who by Vertue of their *Military Tenures*, especially that of *Escheage*, could command the Attendance of many of their Subjects, for a time unto their Foreign Wars; and by their large *Demefnes*, could better subsist themselves therein, without the Aid of their People) did either in Justice or Prudence resort to them, both for Advice and Supplies : It can hardly be thought, that any Modern Prince of himself, will undertake a War, which he cannot well prosecute without the assistance of his Parliament. But that it may be convenient to treat of a Peace in some Cases, without their approbation, I suppose will not be denied.

After what I had hitherto Written, was sent to the Press, there fell into my hands a little Treatise in Manuscript, Composed by Sir Robert Cotton, and which I presume is Printed among his Posthumous Works. The Title whereof, I was willing to insert, because it does in some measure, declare the Opinion of that Judicious Antiquary in this Matter, viz. That the Kings of England have been pleased, usually to consult of Marriage, Peace and War, with their Peers, and Commons in Parliament.

Voluntary Gifts of some Particulars; which though in Total, amounted to no great Matter, we thankfully acknowledge at their Hands: But, as, while the Affairs abroad, were in greater Calme, we did content our selves, to recover our wants, by provident *Retrenchment of Charge*, and honourable Improvment of our own, thinking to wear them out, without troubling our People; so in such a State of Christendom, as seemeth now to hang over our Heads, we durst no longer rely upon those slow Remedies, but thought necessary (according to the antient course of our Progenitors) to resort to the good Affections and Aydes of our loving Subjects.

Upon these *Considerations*, and for that also in respect of so long Intermission of a Parliament, the Times may have introduced some things fit to be reformed, either by new Laws, or by the moderate Desires of our loving Subjects, dutifully intimated unto us (wherein we shall ever, be no less ready to give them all gracious Satisfaction, then their own Hearts can desire) We have resolved, by the advise of our Privy Council, to hold a Parliament at our City of *Westminster*

And because, as well this great *Cause* (there to be handled amongst the rest, and to be weighed by the *Beam* of the *Kingdom*) as also the true and antient *Institution of Parliament*, do require the *Lower-house* (at this time if ever) to be Compounded of the Gravest, Ablest, and Worthiest Members that may be found: We do hereby, out of the care of the Common Good, wherein themselves are Participant (without all prejudice to the freedom of *Elections*) admonish all our loving Subjects (that have Votes in the Elections of Knights and Burgeses) of these few Points following.

First,

First, That they cast their Eyes upon the *Worthiest Men* of all sorts, Knights and Gentlemen, that are *Lights* and *Guides* in their *Countries*, Experienced *Parliament Men*, Wise and Discreet *Statesmen*, that have been practised in Publique Affairs, whether at home or abroad: Grave and Eminent *Lawyers*, Substantial *Citizens* and *Burgesses*, and generally such as are Interested and have Portion in the Estate.

Secondly, That they make choice of such as are well affected in *Religion*, without declining either on the one hand to Blindness and Superstition, or on the other hand to Schism, or turbulent Disposition.

Thirdly, and *Lastly*, That they be truly sensible, not to disvalue or disparage the House with Bankrupts and necessitous Persons, that may desire long Parliaments only for Protection; *Lawyers* of mean Account and Estimation; *Young Men* that are not ripe for grave Consultations; *Mean Dependants* upon great Persons, that may be thought to have their Voices under command, and such like obscure and inferiour Persons: So that to conclude, we may have the comfort to see before us, the very Face of a sufficient and well composed *House*, such as may be worthy to be a Representative of the *Third Estate* of our Kingdom, fit to nourish a loving and comfortable Meeting between us and our People, and fit to be a Noble Instrument, under the Blessing of Almighty God, and our Princely Care and Power, and with the loving Conjunction of our Prelates and Peers, for the settling of so great Affairs, as are before expressed.

CXXXIII.

From the Journal of the House of Lords.

*To the Right Honourable his very good Lords, the
Lords Spiritual and Temporal in the Upper
House of Parliament Assembled.*

My very good Lords,

I Humbly pray your Lordships all, to make a favourable and true Construction of my absence. It is no feigning or fainting, but Sickness both of my Heart and of my Back, though joyned with that comfort of Mind, that perswadeth me that I am not far from Heaven, whereof I feel the first Fruits.

And because, whether I live or dye, I would be glad to preserve my Honour and Fame, so far as I am worthy; hearing that some Complaints of base *Bribery*, are coming before your Lordships: My Requests unto Your Lordships, are

First, That you will maintain me in your good Opinion, without prejudice, until my Cause be heard.

Secondly, That in regard, I have sequestred my mind at this time, in great part from Worldly Matters, thinking of my Account and Answers in a higher Court; Your Lordships will give me convenient time, according to the course of other Courts, to advise with my Council, and to make my Answer; wherein, Nevertheless, my Councils part will be the least: For I shall not, by the Grace of God, trick up an Innocency with Cavillations, but plainly and ingenuously (as your
Lord.

Lordships know my manner is) declare what I know or remember.

Thirdly, That according to the course of Justice, I may be allowed to except to the Witnesses brought against me, and to move Questions to your Lordships for their cros Examinations, and likewise to produce my own Witnesses for the discovery of the Truth.

And *Lastly*, That if there be any more *Petitions* of like Nature, that Your Lordships would be pleased not to take any Prejudice or Apprehension of any Number or Muster of them, especially against a Judge, that makes 2000 *Orders* and *Decrees* in a Year (not to speak of the Courses that hath been taken, for Hunting out Complaints against me) but that I may answer them according to the Rules of Justice, severally and respectively.

These *Requests*, I hope appear to Your Lordships no other than Just. And so thinking my self happy to have so *Noble Peers*, and *Reverend Prelates* to discern of my Cause, and desiring no priviledge of Greatness for Subterfuge of Guiltiness, but meaning, as I said, to deal fairly and plainly with Your Lordships, and to put my self upon your Honours and Favours. I pray God to bless your Counsels and Persons.

And rest

19 March 1620.

Your Lordships humble Servant.

Fr. St. Alban Canc.

CXXXIII.

To the Marquis of Buckingham.

My very good Lord,

Yesterday I know was no day ; now I hope I shall hear from your Lordship, who are my *Anchor* in these *Flouds*. Mean while to ease my Heart, I have Written to His Majesty the inclosed, which I pray Your Lordship to read advifedly, and to deliver it, or not to deliver it, as you think good. God ever prosper your Lordship.

Yours ever, *Edw. Andrew*

25 March 1621.

Fr. St. Alban Canc.

CXXXIV.

To the KING.

It may please your most Excellent Majesty,

*The Mour-
ning of a
Dove.

Time hath been, when I have brought unto you * *Gemitum Columbæ* from others, Now I bring it from my self. I fly unto your Majesty, with the Wings of a Dove, which once within these seven Days, I thought would have carried me a higher Flight. When I enter into my self, I find not the Materials of such a Tempest as is come upon me. I have been (as your Majesty knoweth best) never Author of any immoderate Counsel, but always desired to have things carried * *suavibus modis*. I have been no Avaricious

*With a
gentle
hand.

ous Oppressor of the People. I have been no haughty, or intolerable, or hateful Man, in my Conversation or Carriage: I have inherited no hatred from my *Father*, but am a good Patriot born. Whence should this be? For these are the things that use to raise dislikes abroad.

For the *House of Commons*, I began my *Credit* there, and now it must be the place of the Sepulture thereof; and yet this Parliament, upon the Message touching *Religion*, the old Love revived, and they said, I was the same Man still, only *Honesty* was turned into *Honour*.

For the *Upper-house*, even within these Days, before these Troubles, they seemed as to take me into their Arms, finding in me Ingenuity, which they took to be the true Streight-line of Nobleness, without any Crookes or Angles.

And for the *Briberies* and *Gifts*, wherewith I am charged, when the Books of Hearts shall be opened, I hope, I shall not be found to have the troubled Fountain of a corrupt Heart, in a depraved Habit of taking Rewards to pervert Justice; howsoever I may be frail, and partake of the *Abuses* of the *Times*.

And therefore, I am resolved, when I come to my *Answer*, not to trick my Innocency, (as I writ to the *Lords*) by Cavillations, or Voydances; but to speak to them the Language, that my heart speaketh to me, in Excusing, Extenuating, or ingenuously Confessing: Praying to God to give me the Grace to see the bottom of my Faults, and that no hardness of heart do steal upon me, under shew of more neatness of Conscience, than is cause. But not to trouble your Majesty any longer, craving Pardon for this long Mourning Letter; That which I thirst after, as the Hart after the Streams, Is, that I may know, by my *Matchless*

friend that presenteth to you this Letter, your Majesty's heart (which is an *Abyssus* of Goodness as I am an *Abyssus* of Misery) towards me. I have been ever your Man, and counted my self but an Usufructuary of my self, the Property being yours. And now making my self an Oblation to do with me as may best conduce to the Honour of your Justice, the Honour of your Mercy, and the use of your Service, resting as

Clay in your Majesty's Gracious Hands,

Fr. St. Alban, Canc.

CXXXV.

From the Journal of the House of Lords.

✓ To the Right Honourable the Lords of the Parliament, in the Upper House Assembled, the Humble Submission and Supplication of the Lord Chancellor.

It may please your Lordships,

I Shall humbly crave at your Lordship's Hands a benign Interpretation of that which I shall now write; For words that come from wasted Spirits, and an oppressed mind, are more safe in being deposited in a Noble Construction, than in being Circled with any reserved Caution.

This being moved, and as I hope obtain'd, in the nature of a *Protection* for all that I shall say; I shall now make into the rest of that wherewith I shall at this time trouble your Lordships, a very strange entrance: For in the midst of a state of as great affliction, as I think a mortal Man can endure, (*Honour being above Life*)

Life) I shall begin with the professing of Gladness in some things.

The *First* is, That hereafter the Greatness of a Judge, or Magistrate, shall be no Sanctuary or Protection of Guiltiness ; which in few words is the beginning of a *Golden World*.

The *next*, That after this Example, it is like that Judges will fly from any thing that is in the likeness of *corruption*, (though it were at a great distance) as from a Serpent ; which tendeth to the Purging of the Courts of Justice, and the reducing them to their true Honour and Splendor.

And in these two *Points*, (God is my Witness) that though it be my Fortune to be the Anvil, whereupon those good effects are beaten and wrought, I take no small comfort.

But to pass from the Motions of my Heart, whereof God is onely Judge, to the Merits of my Cause, whereof your Lordships are Judges, under God and his Lieutenant. I do understand there hath been heretofore expected from me some Justification : And therefore I have chosen one onely Justification, out of the Justification of *Job*. For after the clear Submission and Confession which I shall now make unto your Lordships, I hope I may say and justify with *Job* in these words, *I have not hid my sins, as did Adam, nor conceal'd my faults in my Bosom*. This is the onely Justification which I will use.

It resteth therefore, that without Fig-leaves, I do ingenuously confess and acknowledge, that having understood the Particulars of the Charge, not formally from the House, but enough to inform my Conscience and my Memory ; I find Matters sufficient and full, both to move me to desert my Defence, and to move your Lordships to condemn and censure me.

Neither

Horat. Ep.
Lib. 2.

Neither will I trouble your Lordships by singling those Particulars which I think might fall off, *Quid te exempta juvat spinis de pluribus una?* Neither will I prompt your Lordships to observe upon the Proofs, where they come not home, or the scruple touching the credit of the Witnesses. Neither will I represent to your Lordships, how far a Defence in divers things might extenuate the offence in respect of the *Time* and *manner* of the *Gift*, or the like Circumstances. But onely leave these things to spring out of your own Noble thoughts, and observations of the Evidence, and Examinations themselves; and charitably to wind about the Particulars of the Charge, here and there as God shall put into your minds, and so submit my self wholly to your Piety and Grace.

And now, I have spoken to your Lordships as *Judges*, I shall say a few words to you as *Peers* and *Prelates*; Humbly commending my Cause to your Noble Minds, and Magnanimous Affections.

Your Lordships are not simply Judges but Parliamentary Judges; You have a farther extent of Arbitrary Power than other Courts. And if your Lordships be not tyed by ordinary courses of Courts or Presidents in Points of strictness and severity; much more in Points of Mercy and Mitigation.

And yet if any thing which I shall move might be contrary to your worthy Ends to introduce a Reformation, I should not seek it: But herein I beseech your Lordships to give me leave to tell you a Story. *Titus Manlius* took his Sons life for giving Battle against the Prohibition of his General: Not many years after the like severity was pursued by *Papirius Cursor* the Dictator, against *Quintus Maximus*; who being upon the Point to be sentenc'd, by the Intercession of some Principal Persons of the Senate, was spared: Whereupon

Livy

Livy maketh this grave and gracious Observation ; *Neque minus firmata est Disciplina Militaris periculo Quinti Maximi, quàm miserabili supplicio Titi Manlii*, The Discipline of War, was no less established by the Questioning of *Quintus Maximus*, than by the Punishing of *Titus Manlius*. And the same reason is of the Reformation of Justice ; For the Questioning of Men of Eminent Places hath the same Terror, though not the same Rigor with the Punishment.

But my Case standeth not there ; For my humble Desire is, that his Majesty would take the Seal into his hands, which is a great Downfall, and may serve I hope in it self for an Expiation of my Faults.

Therefore, if Mercy and Mitigation be in your Power, and do no ways cross your Noble Ends, why should I not hope of your Lordship's Favour and Commiseration ?

Your Lordships will be pleased to behold your Chief Pattern the *King* our Sovereign, a King of incomparable Clemency, and whose Heart is inscrutable for Wisdom and Goodness. Your Lordships will remember that there sat not these Hundred years before, a *Prince* in your House, and never such a Prince, whose Presence deserves to be made Memorable by Records and Acts mixed of Mercy and Justice. Your Lordships are either *Nobles*, (and compassion ever beateth in the veins of Noble Blood) or Reverend *Prelates*, who are the Servants of him, who would not break the bruised Reed, nor quench the smoking Flax. You all sit upon one *High Stage*, and therefore cannot but be more sensible of the Changes of the World, and of the Fall of any of High Place.

Neither will your Lordships forget that there are *vicia Temporis*, as well as *Vitia Hominis* ; and that the beginning of Reformations hath the contrary Power of
the

the Pool of *Bethesda*; for that had strength to cure him only, that was first cast in, and this hath commonly strength to hurt him onely that is first cast in. And for my part, I wish it may stay there and go no further.

Lastly, I assure my self, your Lordships have a Noble Feeling of me, as a Member of your own Body, and one that in this very Session had some Taste of your loving Affections; which I hope was not a Lightning before the Death of them, but rather a spark of that Grace, which now in the Conclusion will more appear.

And therefore my Humble Suit to your Lordships is, That my Penitent *Submission* may be my Sentence, and the loss of the *Seal* my Punishment; and that your Lordships will spare any further sentence, but recommend me to his Majesty's Grace and Pardon for all that is past. God's Holy Spirit be among you.

22 April 1621.

*Your Lordship's Humble
Servant, and Suppliant,*

Fr. St. Alban, *Canc.*

CXXXVI.

To the KING.

It may please your most Excellent Majesty,

IN the midst of my misery, which is rather asswaged by Remembrance, than by Hope, my chiefest worldly Comfort is, to think that since the time, I had the first *Vote* of the Commons House of *Parliament* for Commissioner of the *Union*, until the time that I was this last *Parliament* chosen by both Houses for their
Messenger

Messenger to your Majesty in the Petition of *Religion*, (which two were my first and last Services) I was ever more so happy as to have my poor Services graciously accepted by your Majesty, and likewise not to have had any of them miscarry in my Hands. Neither of which Points I can any ways take to my self, but ascribe the former to your Majesty's Goodness, and the latter to your prudent Directions; which I was ever careful to have and keep. For as I have often said to your Majesty, I was towards you but as a Bucket and a Cistern, to draw forth and conserve, your self was the *Fountain*. Unto this comfort of Nineteen years prosperity there succeeded a comfort even in my Greatest adversity, somewhat of the same nature; which is, that in those Offences wherewith I was charged, there was not any one that had special relation to your Majesty, or any your particular Commandments. For as towards Almighty God, there are offences against the first and second Table, and yet all against God; so with the Servants of Kings, there are offences more immediate against the Sovereign: Although all offences against Law are also against the King. Unto which comfort there is added this circumstance, That as my Faults were not against your Majesty, otherwise than as all Faults are; so my Fall was not your Majesty's Act, otherwise than as all Acts of Justice are yours. This I write not to insinuate with your Majesty, but as a most humble appeal to your Majesty's Gracious remembrance, how honest and direct you have ever found me in your Service; whereby I have an assured belief, that there is in your Majesty's own Princely thoughts, a great deal of serenity and clearness to me your Majesty's now prostrate and cast down servant.

Neither (my most *Gracious Sovereign*) do I by this mention of my Services, lay claim to your Princely Grace and Bounty, though the Priviledge of Calamity

doth bear that form of Petition. I know well, had they been much more, they had been but my bounden duty. Nay, I must also confess, that they were from time to time, far above my Merit, over and super-rewarded by your Majesty's benefits which you heaped upon me. Your Majesty was and is that Master to me, that raised and advanced me *Nine Times*; *Thrice in Dignity*, and *Six times in Office*. The Places indeed were the painfullest of all your Services; But then they had both Honour and Profits. And the then Profits might have maintained my now Honour, if I had been wise: Neither was your Majesty's immediate Liberality wanting towards me in some Gifts, if I may hold them. All this I do most thankfully acknowledge, and do herewith conclude, That for any thing arising from my self to move your eye of pity towards me, there is much more in my present *misery*, than in my past *Services*; save that the same your Majesty's Goodness, that may give relief to the one, may give value to the other.

And indeed, If it may please your *Majesty* this *Theme* of my *Misery* is so plentiful as it need not be coupled with any thing else. I have been some body by your Majesty's singular and undeserved Favour, even the prime Officer of your Kingdom; your Majesty's Arm hath been over mine in Council, when you presided at the Table; so near I was. I have born your Majesty's Image in Metal, much more in Heart; I was never in Nineteen years Service chidden by your Majesty, but contrariwise often overjoyed, when your Majesty would sometimes say I was a good Husband for you, though none for my self: Sometimes, that I had a way to deal in Business, * *Suavibus Modis*, which was the way which was most according to your own Heart: And other most Gracious Speeches of Affection and Trust,

* After a gentle manner.

Trust, which I feed on to this day. But why should I speak of these things which are now vanished, but only the better to express the downfall?

For now it is thus with me; I am a year and half old in misery; though I must ever acknowledge, not without some mixture of your Majesty's Grace and Mercy; For I do not think it possible, that any you once loved should be totally miserable: Mine own Means through my own Improvidence are poor and weak, little better than my Father left me. The poor Things that I have had from your Majesty, are either in Question, or at Courtesie. My Dignities remain Marks of your Favour, but Burdens of my present Fortune. The poor Remnants which I had of my former Fortunes, in Plate or Jewels, I have spread upon poor Men unto whom I owed, scarce leaving my self a convenient Subsistence. So as to conclude, I must pour out my misery before your Majesty, so far as to say, * *Si deseristu, perimus.*

But as I can offer to your Majesty's Compassion, little arising from my self to move you, except it be my extream misery, which I have truly laid open; so looking up to your Majesty's own self, I should think I committed *Cain's* Fault, if I should despair. Your Majesty is a *King* whose heart is as unscrutable for secret Motions of Goodness, as for depth of Wisdom. You are *Creator* like, factive and not destructive. You are the *Prince* in whom hath been ever noted an aversion against any thing that favoured of an hard heart; as, on the other side, your Princely eye was wont to meet with any Motion that was made on the relieving part. Therefore as one that hath had the happiness to know your Majesty near hand, I have (*most Gracious Sovereign*) Faith enough for a *Miracle*; much more for a *Grace*, that your Majesty will not suffer your

* If you
forsake
us, we per-
ish.

poor Creature to be utterly defaced, nor blot that Name quite out of your Book, upon which your Sacred Hand hath been so oft for new Ornaments and Additions.

Unto this degree of compassion, I hope God above (of whose mercy towards me, both in my prosperity and adversity I have had great Testimonies and Pledges, though my own manifold and wretched unthankfulness might have averted them) will dispose your Princely heart, already prepared to all Piety. And why should I not think, but that thrice *Noble Prince*, who would have pulled me out of the fire of a Sentence, will help to pull me (if I may use that homely phrase) out of the Mire of an abject and sordid Condition in my last days: And that *Excellent Favourite* of yours, (the goodness of whose Nature contendeth with the greatness of his Fortune; and who counteth it a Prize, a second Prize, to be a good Friend, after that Prize which he carrieth to be a good Servant) will kiss your Hands with Joy for any work of Piety you shall do for me. And as all Commiserable Persons (especially such as find their Hearts void of all Malice) are apt to think that all Men pitty them; I assure my self that the *Lords* of your *Council*, who out of their Wisdom and Nobleness, cannot but be sensible of human events, will in this way which I go, for the relief of my Estate, further and advance your Majesty's Goodness towards me. For there is as I conceive a kind of Fraternity between Great Men, that are, and those that have been, being but the several *Tenses* of one *Verb*; nay, I do further presume, that both Houses of *Parliament* will love their Justice the better if it end not in my ruin. For I have been often told, by many of my *Lords*, as it were in Excusing the *severity* of the *Sentence*, that they knew they left me in good Hands. And your Majesty knoweth

eth well, I have been all my life long *acceptable* to those *Assemblies* not by Flattery, but by Moderation, and by honest expressing of a desire to have all things go fairly and well.

But, if it may please your *Majesty* (for *Saints* I shall give them *reverence*, but no *adoration*, my Address is to your Majesty, the Fountain of Goodness;) your Majesty shall by the Grace of God, not feel that in *Gift*, which I shall extremely feel in *Help*; For my desires are moderate, and my Courses measured to a Life orderly and reserved, hoping still to do your Majesty Honour in my way. Only I most humbly beseech your Majesty to give me leave to conclude with those words which necessity speaketh: Help me (*Dear Sovereign Lord and Master*) and pity me so far, as I that have born a *Bag*, be not now in my Age forced in effect to bear a *Wallet*; nor I that desire to *live to study*, may not be driven to *study to live* (a). I most humbly crave pardon of a long Letter, after a long silence. God of Heaven ever bless, preserve, and prosper your Majesty.

*Your Majesty's poor ancient
Servant and Beadsman,*

Fr. St. Alban.

CXXXVII.

(a) Altho' the Subject-matter of this and some other Letters of the like Nature, hath given me occasion to make some Remarks thereon already; yet I cannot omit taking notice in this place, of what the Learned Monsieur *Le Clerc* hath observed in the 12th Chapter of his *Reflections* upon good and bad Fortune. Where, in his Discourse of Liberality, and the Obligations that are upon Princes, &c. to extend their Bounty to Learned Men, in respect of the Benefit the World receives from them; he expresses his sense of the Honour which was due to the memory of those who assisted *Erasmus* and *Grotius*, and his Resentment of the Neglect of *K. James*,
for

CXXXVII.

To the Earl of Bristol.

My very good Lord,

I Now onely send my best Wishes, to follow you at Sea and Land, with due thanks for your late great Favours. God knows, whether the length of your Voyage will not exceed the Size of my Hour-Glass. But whilst I live, my affection to do you Service, shall remain quick under the almes of my Fortune.

CXXXVIII.

To Mr. Matthews.

S I R,

I N this Solitude of Friends, which is the *Base Court* of *Adversity*, where no Body almost will be seen stirring, I have often remembred this *Spanish* saying, *Amor sin fin, no tiene fin* (a). This bids me make choice of your Friend and mine, for his Noble Succours; not now towards the *Aspiring*, but only the *Respiring* of my *Fortunes*. I who am a Man of Books

for deserting the Lord Bacon: One cannot read, saith he, without *Indignation*, that which is reported of the Famous Chancellor of England, Francis Bacon, whom the King suffer'd to languish in Poverty, whilst he prefer'd worthless Persons to his Dishonour. A little before his Death this Learned Man writ to that Prince a bemoaning Letter; and then cites this moving Conclusion out of *Howell's Letters*; which tho' that Author thought it argued a little abjection of spirit in my Lord Bacon; yet Monsieur *Le Clerc* thinks it shew'd a much lower in the King, to permit so able a Man to lye under the necessity of making so sad a Request, and yet withal to afford no Relief.

(a) That Love without Ends hath no End, was a saying of *Gondomar* the *Spanish* Ambassador, meaning thereby, that if it were begun not upon particular Ends, it would last. Lord Bac. *Apothegms*.

have

have observed, that he hath both the *Magnanimity* of the Old *Romans*, and the *Cordiality* of the Old *English*; and withal I believe, he hath the wit of both: sure I am, that for my self, I have found him in both my Fortunes, to esteem me so much, above my just value, and to love me so much above the possibility of deserving, or obliging on my part, as if he were a Friend, created and reserved, for such a time as this. You know what I have to say to the Great *Lord*, and I conceive, it cannot pass so fitly to him, by the Mouth of any, as of this Gentleman; and therefore do your best (which I know will be of Power enough) to engage him, both in the substance, and to the Secrecy of it: For, I can think of no Man but your self, to be used by me in this, who are so private, so faithful, and so discreet a Friend to us both; as on the other side, I dare swear he is, and know my self, to be as true to you as your own heart.

CXXXIX.

To the Marquis of Buckingham.

My very good Lord,

YOUR Lordship will pardon me, if partly in the freedom of Adversity, and partly of former Friendship, (the Sparkes whereof cannot but continue) I open my self to your Lordship, and desire also your Lordship to open your self to me. The two last Acts, which you did for me, in procurng the Releasement of my *Fine*, and my *Quietus est*, I acknowledge were effects, real and material, of your Love and Favour; which as to my Knowledge, it never failed me in my Prosperity, So in these two things, it seems not to have

have turned with the Wheel. But the extent of these two Favours, is not much more than to keep me from Persecution. For any thing further, which might tend to my Comfort and Assistance, as I cannot say to my self, that your Lordship hath forsaken me; so I see not the effects of your Undeserved, yea Undesired Professions and Promises; which being made to a Person in *Affliction*, hath the Nature, after a sort of *Vows*. But that, which most of all makes me doubt of a Change, or cooling in your Lordships Affection towards me, is, that being twice now at *London*, your Lordship did not vouchsafe to see me; though by Messages you gave me hope thereof, and the latter time I had begg'd it of your Lordship.

The cause of *Change*, may either be in my *self*, or your Lordship. I ought first to examine my self, which I have done; and God is my Witness, I find all well, and that I have approved my self to your Lordship, a true Friend, both in the *Watery Trial* of *Prosperity*, and in the *Fiery Trial* of *Adversity*. If your Lordship take any Insatisfaction touching the House; I humbly pray you, think better of it. For that Motion to me, was a second Sentence, more grievous than the first, as things then stood, and do yet stand: For it Sentenced me to have lost both in mine own Opinion, and much more in the Opinion of others, that which was saved to me, almost only, in the former Sentence; and which was more dear to me, than all that which was taken from me, which is your Lordships Love and Favour. For had it not been for that bitter Circumstance, your Lordship knows, that you might have commanded my life, and all that is mine. But surely it could not be that, nor any thing in me, which wrought the *Change*. It is likely on the other part, that though your Lordship in your *Nature*, I know to be

be *Generous* and *Constant*, yet I being now become out of *sight*, and out of *use*, your Lordship having a Floud of *New Friends*, and your Ears possessed perhaps by such, as would not leave room for an *Old*; Your Lordship may, even by course of the World, and the over-bearing of others, be turned from me: And it were almost a Miracle if it should be otherwise. But yet, because your Lordship may still have so Heroical a Spirit, as to stand out in all these violent Assaults, which might have Alienated you from your *Friend*: My humble *Suit* to your Lordship, is, That remembering your former Friendship, which began with your beginning, and since that time, hath never failed on my part, your Lordship would deal clearly with me, and let me know, whether I continue in your Favour or no; and whether in those poor Requests, which I may yet make to his Majesty (whose true Servant I ever *was* and *am*) for the tempering of my *Misery*, I may presume to use your Lordships Favour, and help, as I have done; for otherwise it were a kind of stupidity in me, and a great trouble also to your Lordship, for me not to discern the Change, for your Lordship to have an Importuner, instead of a Friend and a Suitor. Though howsoever, if your Lordship should never think of me more, yet in respect of your former Favours, which cannot altogether be made void, I must remain, &c.

CXL.

✓ To the Marquis of Buckingham.

My very good Lord,

THough I returned an Answer to your Lordships last ~~honourable and kind~~ Letter, by the same way by which I received it; yet I humbly pray your Lordship to give me leave to add these few Lines. *My Lord,* As God above is my Witness, that I ever have loved and honoured your Lordship, as much I think as any Son of *Adam* can love or honour ~~any thing that is a~~ Subject; and ~~do still~~ continue in as hearty and strong wishes of Felicity, to be heaped and fixed upon you as ever: So yet I protest, ~~that at this time~~, as low as I am, I had rather sojourn ~~the rest of my life in~~ a Colledge in Cambridge, than recover a good Fortune by any other than your self. ~~But now~~ to recover your self to me (if I have you not ~~already~~) or to ease your Lordship in any ~~Business of mine~~, wherein your Lordship would not so fully appear, or to be made Partaker of your Favours, in the way ~~that you like best~~; I would use any Man who were your Lordships Friend. Secondly, If in any ~~thing~~ of my former Letters, I have given your Lordship any distaste, ~~either by the Stile of them, or any particular Passage in them~~, I humbly pray your Lordships benigne Construction and Pardon. I confess, it is my fault, though yet it be some happiness to me withal, that I many times forget my Adversity: But I shall never forget to be, &c.

5 March 1621.

CXLI.

CXLI.

✓ To the Right Reverend Father in God, the Lord Bishop of *Winchester*, Counsellor of Estate to His Majesty. (a)

My Lord,

Amongst Consolations, it is not the least to represent to a Mans self, like *Examples* of Calamity in others: For *Examples* give a quicker Impression than *Arguments*; and besides, they certifie us, that which the *Scripture* also tendreth for Satisfaction, *That no new thing is happened unto us.* This they do the better, by how much the *Examples*, are liker in circumstance to our own Case; and more especially, if they fall upon *Persons*, that are greater and worthier than our selves. For as it favoureth of Vanity, to match our selves highly in our own Conceit; so on the other side, it is a good sound Conclusion, that if our Betters have sustained the like Events, we have the less cause to be grieved.

In this kind of Consolation, I have not been wanting to my self; though as a *Christian* I have tasted (through Gods great Goodness) of higher Remedies. Having therefore, through the variety of my Reading, set before me many *Examples*, both of antient, and of latter Times: My thoughts, I confess, have chiefly

(a) The following Letter, to the Most Learned Dr. *Andrews*, Bishop of *Winchester*, was Written by my Lord St. *Alban*, in the Year 1622, and in the nature of a Dedication, prefixed before his *Dialogue*, touching a *Holy War*; which was not Printed, at least correctly, till 7 years after, by the care of Dr. *Rawley*. But because it has been found amongst his Lordships Letters and other Books, separated from that Treatise, and chiefly, because it gives some account of his Writings, and Behaviour after his Retirement, I thought it very proper to insert it in this place.

stayed upon three Particulars, as the most eminent, and the most resembling. All three Persons that had held chief place of Authority in their Countries: All three ruined, not by War, or by any other Disaster, but by Justice and Sentence, as Delinquents and Criminals: All three famous Writers; in so much as the Remembrance of their Calamity, is now as to Posterity, but as a little *Picture* of *Night-work*, remaining amongst the fair and excellent *Tables* of their *Acts* and *Works*: And all three (if that were any thing to the matter) fit Examples to quench any Man's Ambition of rising again, for that they were every one of them restored with Great Glory; but to their further Ruin and Destruction, ending in a violent Death. The Men were *Demosthenes*, *Cicero*, and *Seneca*; Persons that I durst not claim Affinity with, except the Similitudes of our Fortunes had contracted it. When I had cast mine Eyes upon these Examples, I was carried on further to observe how they did bear their Fortunes, and principally how they did employ their times, being banished, and disabled for publick business, to the end that I might learn by them, and that they might be as well my Counsellors, as my Comforters. Whereupon I happened to note, how diversly their Fortunes wrought upon them, especially in that Point which I did most aim, which was the employing of their Times and Pens. In *Cicero*, I saw, that during his Banishment (which was almost two Years) he was so softened and dejected, as he wrote nothing but a few Womanish *Epistles*. And yet, in mine Opinion, he had least reason of the three to be discouraged; for that, although it was judged, and judged by the highest kind of Judgment, in form of *Statute* or *Law*, that he should be banished, and his whole Estate confiscated and seized, and his Houses pulled down; And that
it

it should be highly penal for any Man to propound his Repeal : Yet his case, even then, had no great blot of Ignominy, but it was thought but a Tempest of Popularity, which over threw him. *Demosthenes*, contrariwise, though his Case was foul, being condemned for *Bribery*, and not simple *Bribery*, but *Bribery* in the nature of Treason and Disloyalty : Yet, nevertheless, he took so little knowledge of his Fortune, as during his Banishment, he did much busie himself, and intermeddle with Matters of *State*; and took upon him to counsel the *State* (as if he had been still at the Helm) by Letters, as appears by some *Epistles* of his, which are extant. *Seneca* indeed, who was condemned for many *Corruptions* and *Crimes*, and Banished into a solitary *Island*, kept a mean : And though his Pen did not Freeze, yet he abstained from intruding into Matters of Business; but spent his time in Writing *Books* of excellent Argument and use, for all Ages, though he might have made better choice, sometimes of his Dedications.

These Examples confirmed me much in a Resolution (whereunto I was otherwise inclined) to spend my time wholly in Writing, and to put forth that poor *Talent* or half *Talent*, or what it is that God hath given me, not as heretofore, to particular *Exchanges*, but to *Banks* or *Mounts* of perpetuity, which will not break.

Therefore having not long since, set forth a part of my *Instauration*, which is the Work, that in mine own Judgment (*Si nunquam fallit Imago*) I may most esteem; I think to proceed in some new parts thereof. And although I have received from many Parts beyond the Seas, Testimonies touching that Work, such, as beyond which I could not expect at the first, in so abstracted an Argument; yet, nevertheless, I have just Cause.

cause to doubt, that it flies too high over Mens Heads. I have a purpose therefore (though I break the order of Time) to draw it down to the sense by some Pattern's of a *Natural Story* and *Inquisition*. And again, for that my Book of *Advancement of Learning*, may be some Preparative, or Key, for the better opening of the *Instauration*, because it exhibits a mixture of new Concepts and old; whereas the *Instauration* gives the new unmixed, otherwise than with some little Asperision of the old, for Tastes sake, I have thought good to procure a *Translation* of that *Book* into the *general Language*, not without great and ample Additions, and enrichment thereof; especially in the second Book, which handleth the *Partition of Sciences*, in such fort, as I hold it, may serve in lieu of the *first Part* of the *Instauration*, and acquit my promise in that part.

Again, because I cannot altogether desert the Civil Person that I have born; which if I should forget, enough would remember. I have also entred into a Work touching *Laws*, propounding a Character of *Justice* in a middle Term, between the Speculative, and Reverend Discourses of *Philosophers*, and the Writings of *Lawyers*, which are tied, and Obnoxious to their particular *Laws*. And although it be true, that I had a purpose to make a particular *Digest*, or Recompilement of the *Laws* of mine own Nation; yet because it is a Work of assistance, and that I cannot Master by my own Forces and Pen, I have laid it aside. Now having in the Work of my *Instauration*, had in Contemplation, the general Good of *Men* in their very Being, and the Dowries of Nature; and in my *Work of Laws*, the general good of *Men* likewise in Society, and the Dowries of Government: I thought in duty, I owed somewhat to my own *Country*, which I ever loved; insomuch, as although my Place hath been far
above

above my Desert, yet my thoughts and cares, concerning the good thereof, were beyond and over; and above my Place: So now, being as I am, no more able to do my Country Service, it remained unto me to do it Honour; which I have endeavoured to do in my Work of the *Reign* of King *Henry* the VII. As for my *Essays*, and some other Particulars of that Nature, I count them but as the Recreation of my other Studies, and in that sort I purpose to continue them; though I am not ignorant, that those kind of Writings, would with less pains, and embracement, perhaps, yield more Lustre and Reputation to my Name, than those other which I have in hand. But I account the use that a Man should seek of the publishing his own *Writings* before his Death, to be but an untimely Anticipation of that, which is proper to follow a Man, and not to go along with him.

But revolving with my self, my *Writings*, as well those I have published, as those which I had in hand; methought they went all into the *City*, and none into the *Temple*; where, because I have found so great Consolation, I desire likewise to make some poor Oblation. Therefore, I have chosen an Argument, mix'd of *Religious* and *Civil* Considerations, and likewise mix'd between *Contemplative* and *Active*: For, Who can tell whether there may not be an *Exoriere aliquis*? Great Matters (especially if they be *Religious*) have many times, small Beginnings; and the Platform may draw on the Building. This *Work*, because I ever was an Enemy to Flattering *Dedications*, * I have Dedicated to your Lordship, in respect of our ancient and private Acquaintance; and because amongst the Men of our Times, I hold you in especial Reverence.

* Vid. the
1st. Book
of the ad-
vance-
ment of
Learning.

Your Lordships loving Friend,

Fr. St. Alban.

CXLII.

CXLII.

An offer to the King, of a *Digest* to be made of the *Laws* of England.

Most excellent Sovereign,

Amongst the Degrees and Acts of Sovereign, or rather Heroical Honour; the first or second is the Person and Merit of a *Law-giver*. Princes that govern well, are *Fathers* of the *People*: But if a Father breed his Son well, and allow him well while he liveth, but leave him nothing at his Death, whereby both he, and his Children, and his Childrens Children may be the better; surely the Care and Piety of a Father is not in him compleat. So *Kings*, if they make a Portion of an Age happy by their good Government, yet, if they do not make *Testaments* (as God Almighty doth) whereby a Perpetuity of Good may descend to their Country, they are but Mortal and Transitory Benefactors. *Domitian*, a few days before he died, Dream'd, that a *Golden Head* did rise upon the Nape of his Neck, which was truly performed in the *Golden Age*, that followed his times, for five Successions. But *Kings* by giving their Subjects good Laws, may, if they will, in their own time, joyn and graffe this Golden Head upon their own Necks after their Death. Nay, they may make *Nebuchadnezzars* Image of *Monarchy*, *Golden from head to foot*: And if any of the meaner sort of Politiques, that are sighted only to see the worst of things, think that *Laws* are but Cobwebs, and that good *Princes* will do well without them, and bad will not stand much upon them; the Discourse is neither good nor wise. For, certain it is, that good Laws
are

are some Bridle to bad Princes, and as a very Wall about Government. And if Tyrants, sometimes make a breach into them, yet they mollifie even Tyranny it self, as *Solons* Laws did the *Tyranny of Pisistratus*; and then commonly, they get up again, upon the first advantage of better Times. Other means to perpetuate the *Memory* and Merits of *Sovereign Princes*, are inferiour to this. Buildings of *Temples, Tombs, Palaces, Theatres*, and the like, are honourable things, and look big upon Posterity: But *Constantine* the Great, gave the Name well to these Works, when he used to call *Trajan*, who was a great Builder, *Parietaria, Wall-Flower*, because his Name was upon so many Walls: So if that be the matter, that the King would turn *Wall-Flower*, or *Pellitory* of the Wall, with Cost he may. *Adrians* Vein was better; for his mind was to wrestle a Fall with time, and being a great Progressor over all the *Roman Empire*, when ever he found any decays of Bridges or High-ways, or Cuts of Rivers, and Sewers, or Walls, or Banks, or the like, he gave substantial Order for their Repair with the better. He gave also Multitudes of *Charters* and Liberties, for the comfort of Corporations, and Companies in decay: So that his bounty did strive with the Ruins of Time. But yet this, though it were an excellent Disposition, went but in effect to the Cases and Shells of a *Common-wealth*; it was nothing to Vertue or Vice. A bad Man might indifferently take the benefit and ease of his Ways and Bridges, as well as a good; and bad People might purchase good Charters. Surely the better Works of perpetuity in *Princes*, are those that wash the inside of the Cup. Such as are Foundations of *Colledges* and *Lectures* for Learning and Education of Youth: Likewise Foundations and Institutions of *Orders* and *Fraternities*, for Nobleness, Enterprize, and Obedience, and the

like: But yet these also are but like Plantations, of Orchards and Gardens in plots and spots of Ground, here and there; they do not Till over the whole Kingdom, and make it Fruitful, as doth the establishing of good *Laws* and *Ordinances*, which makes a whole *Nation* to be as a well ordered *College* or *Foundation*.

This kind of Work, in the Memory of Times, is rare enough to shew it excellent; and yet not so rare, as to make it suspected for impossible, inconvenient, or unsafe. *Moses*, that gave Laws to the *Hebrews*, because he was the Scribe of God himself, is fitter to be named for Honours sake, to other Law-givers, than to be numbred or ranked amongst them. *Minos*, *Lycurgus*, and *Solon*, are Examples for Themes of Grammar Scholars. For antient Personages and Characters, now a days, use to Wax Children again: Though that Parable of *Pindarus* be true; *the best thing is Water*; for common and trivial things, are many times the best, and rather despised upon Pride, because they are vulgar, than upon cause or use. Certain it is, That the Laws of those three Law-givers had great *Prerogatives*; the *first* of *Fame*, because they were the Pattern among the *Græcians*; the *second* of *lasting*, for they continued longest without alteration; the *third* a Spirit of *Revivor*, to be often oppressed, and often restored.

Amongst the seven Kings of *Rome*, four were Law-givers: For it is most true, that a *Discourser* of *Italy*, saith, *There was never State so well swaddled in the Infancy, as the Roman was, by the Virtue of their first Kings*; which was a principal cause of the wonderful Growth of that State in after times.

The *Decemvirs Laws*, were Laws upon Laws, not the Original; for they grafted Laws of *Grecia* upon the *Roman* Stock of Laws and Customs: But such was their

their Success, as the *Twelve Tables* which they compiled, were the main Body of the *Laws*, which framed and weilded the great Body of that *Estate*. These lasted a long time, with some Supplementals, and the *Pretorian* Edicts in *Albo*; which were in respect of *Laws*, as Writing Tables in respect of *Brass*: The one to be put in and out, as the other is Permanent. *Lucius Cornelius Sylla*, reformed the *Laws* of *Rome*; for that Man had three Singularities, which never *Tyrant* had, but he. That he was a Law-giver; That he took part with the Nobility; And that returned Private-Man, not upon fear, but upon confidence.

Cæsar long after, desired to imitate him only in the first; For otherwise he relied upon new Men; and for resigning his Power, *Seneca* describeth him right. *Cæsar*, *gladium cito condidit, nunquam posuit*: *Cæsar* soon sheathed his Sword, but never put it off. And himself took it upon him, saying, in scorn of *Sylla's* Resignation, *Sylla nescivit literas, dictare non potuit*: *Sylla* knew no Letters, he could not dictate. But for the part of a Law-giver, *Cicero* giveth him the Attribute, *Cæsar, si ab eo quæreretur, quid egisset in toga, leges se, respondisset, multas et præclaras tulisse*. If you had asked *Cæsar* what he did in the Gown, he would have answered, that he made many excellent Laws. His Nephew *Augustus* did tread the same steps, but with deeper print, because of his long Reign in Peace, whereof one of the Poets of his time, saith,

Pace datâ terris, animum ad Civilia vertit.

Jura suum, Legesque tulit Justissimus Author.

Peace given to Earth, he did convert his care
To Civil Rule, Just Laws. *Sandys Ovid Metaph. l. 15.*

From that time, there was such a Race of Wit and Authority between the *Commentaries* and *Decisions* of the *Lawyers*, and the *Edicts* of the *Emperours*, as both Laws and Lawyers were out of breath. Whereupon *Justinian* in the end recompiled both, and made a *Body* of *Laws*, such as might be weilded, which himself calleth gloriously, and yet not above truth; *The Edifice or Structure of a Sacred Temple of Justice*; built indeed out of the former Ruins of Books, as Materials, and some *Novel Constitutions* of his own.

In *Athens* they had *sex viri*, as *Æschines* observeth, which were standing Commissioners, who did watch to discern what Laws were unproper for the *Times*, and what new Law did, in any branch cross a former Law, and so *ex officio*, propounded their Repeal.

King *Edgar* Collected the Laws of this Kingdom, and gave them the strength of a Faggot bound, which formerly were dispersed; which was more glory to him, than his Sailing about this Island with a Potent Fleet; for that was as the *Scripture* saith, *via navis in mari*, the way of a Ship in the Sea, it vanished, but this lasteth.

Alphonso the Wise (the Ninth of that Name) King of *Castile*, compiled the *Digest* of the *Laws* of *Spain*, Intituled the *Siete Partidas*, an excellent Work which he finished in Seven Years. And as *Tacitus* noteth well, That the *Capitol*, though built in the beginnings of *Rome*, yet was fit for the great Monarchy that came after; so that building of Laws sufficeth the greatness of the *Empire* of *Spain*, which since hath ensued.

Lewis the Eleventh had in his Mind (though he performed it not) to have made one constant *Law* of *France*, extracted out of the *Civil Roman Law*, and the *Customs* of *Provinces*, which are various, and the Kings *Edicts*, which with the *French* are *Statutes*. Surely he might

might have done well, if like, as he brought the *Crown* (as he said himself) *hors de Page*; so he had brought the People from *Lacquay*; Not to run up and down for their *Laws*, to the Civil Law, and the Ordinances and the Customs, and the Discretions of Courts, and Discourses of Philosophers, as they use to do.

King *Henry* the Eighth, in the 27th year of his Reign was Authorized by *Parliament* to Nominate Thirty two Commissioners, part Ecclesiastical, and part Temporal, to purge the *Canon Law*, and to make it agreeable to the Law of *God*, and the Law of the *Land*, but it took not effect: for the Acts of that *King* were commonly rather Proffers and Fumes, than either well grounded, or well pursued. But I doubt I err in producing so many Examples: For as *Cicero* said to *Cæsar*, so may I say to your Majesty, *Nil vulgare, te dignum videri possit*: Though indeed, this well understood, is far from *vulgar*; for that the Laws of the most Kingdoms and States have been like Buildings of many pieces, and patched up from time to time, according to Occasions, without Frame or Model.

Now for the *Laws* of *England*, (if I shall speak my Opinion of them, without Partiality, either to my Profession or Country) for the matter and nature of them, I hold them wise, just, and moderate *Laws*; They give to *God*, they give to *Cæsar*, they give to the *Subject* what appertaineth. It is true, they are mixt as our *Language*, compounded of *British*, *Roman*, *Saxon*, *Danish*, *Norman* Customs. And surely as our *Language* is thereby so much the richer; so our *Laws* are likewise, by that mixture, the more compleat. Neither doth this attribute less to them than those that would have them to have stood out the same in all mutations. For no Tree is so good first set, as by Transplanting and Grafting. I remember what happened

to

to *Calisthenes*, that followed *Alexander's* Court, and was grown into some displeasure with him, because he could not well brook the *Persian Adoration*. At a Supper (which with the *Grecians* was a great part Talk) he was desired, (the King being present) because he was an Eloquent Man, to speak of some Theme, which he did, and chose for his Theme the praise of the *Macedonian Nation*: Which though it were but a filling thing, to praise Men to their Faces, yet he performed it with such advantage of truth, and avoidance of Flattery, and with such life, as was applauded by the Hearers. The King was the less pleased with it, not loving the Man, and by way of discourtenance said, *It was easie to be a good Orator in a pleasing Theme*: But saith he to him, *Turn your stile, and tell us now of our Faults, that we may have the profit, and not you the praise only*: Which he presently did, with such quickness, that *Alexander* said, *That Malice made him Eloquent then, as the Theme had done before*. I shall not fall into either of these Extremes, in this Subject of the *Laws of England*. I have commended them before for the *Matter*; but surely they ask much Amendment for the *Form*; which to reduce and perfect, I hold to be one of the greatest Dowries that can be confer'd upon this Kingdom. Which work for the Excellency, as it is worth your Majesty's Act and Times, so it hath some circumstance of Propriety agreeable to your *Person*. God hath blessed your Majesty with Posterity: And I am not of Opinion, that Kings that are barren, are fittest to supply perpetuity of Generations by perpetuity of Noble Acts; But contrariwise, that they that leave Posterity, are the more interess'd in the care of future times; that as well their Progeny as their People may participate of their merit.

Your

Your Majesty is a great Master in Justice, and Judicature; and it were pity, the fruit of that your vertue should not be Transmitted to the Ages to come. Your Majesty also reigneth in Learned Times, the more, no doubt, in regard of your own perfection in Learning, and your Patronage thereof. And it hath been the mishap of *Works* of this nature, that the less Learned time hath sometimes wrought upon the more Learned, which now will not be so. As for my self, the *Law* was my *Profession*, to which I am a Debtor: Some little helps I have of other Arts, which may give Form to Matter; and I have now (by *God's* merciful *Chastisement*, and by his special Providence) time and leisure to put my Talent or half-Talent, or what it is, to such Exchanges as may perhaps exceed the Interest of an active life. Therefore as in the beginning of my *Troubles*, I made offer to your Majesty to take pains in the *Story* of *England*, and in compiling a *Method* and *Digest* of your Laws; so have I performed the *first* (which rested but upon my self) in some part. And I do in all humbleness renew the Offer of this Latter (which will require help and assistance) to your Majesty, if it shall stand with your good pleasure to imploy my Service therein.

CXLIII.

The three following Letters were severally written by the Lord *St. Albans*, in a Blank Page of his *Advancement of Learning*, upon presenting the same to each University, and to *Trinity College* in *Cambridge*.

Franciscus Baro de Verulamio, Vice-Comes St. Albani, Almæ Matri Inclitæ Academiæ Cantabrigiensi S.

DEbita Filii qualia possum persolvo; Quod verò facio, idem & vos hortor, ut Augmentis Scientiarum strenuè incumbatis; & in animi Modestiâ Libertatem Ingenii retineatis: Neque Talentum a veteribus Concreditum, in Sudario reponatis. Affuerit proculdubio, & affulserit Divini Luminis Gratia, si humiliatâ & submissâ Religionis Philosophiâ, Clavibus sensûs legitimè & dextrè utamini; & amoto omni Contradictionis studio, Quisque cum alio, ac si ipse secum, disputet. Valete.

CXLIV.

Inclitæ Academiæ Oxoniensi S.

CUM Almæ Matri meæ inclitæ Academiæ Cantabrigiensi Scripserim, deessem sanè Officio si simile Amoris Pignus sorori ejus non deferrem. Sicut autem eos hortatus sum, ita & vos Hortor, ut Scientiarum Augmentis strenuè incumbatis; & Veterum Labores neque nihil, neque omnia esse putetis, sed vires etiam proprias modestè perpendentes, subindè tamen experiamini: Omnia cedent quàm optimè, Si Arma non alii in alios vertatis, sed junctis Copiis in Naturam rerum impressionem faciatis, sufficit quippe illa Honori & Victoriæ. Valete.

The satisfaction the University of Oxford testified upon this Occasion, appears in their Letter dated from their Convocation-House, 20 Decemb. 1623, and Printed in my Lord Bacon's Remains, pag. 204.

CXLV.

CXLV.

Percelebri Collegio Sanctæ & Individuæ Trinitatis
in Cantabrigiâ S.

RES omnes earumque Progressus Initiis suis debentur. Itaque cum Initia Scientiarum, è fontibus vestris hauserim, Incrementa ipsarum vobis rependenda existimaui. Spero itidem fore, ut hæc nostra apud vos, tanquam in solo nativo, felicius succrescant. Quamobrem & vos hortor, ut Salvâ Animi Modestiâ, & erga veteres, reverentiâ, ipsi quoque Augmentis Scientiarum, non desitis: verum ut post Volumina Sacra Verbi Dei & Scripturarum, secundo loco Volumen illud magnum Operum Dei & Creaturarum, strenuè & præ omnibus Libris, (qui pro Commentariis tantum haberi debent) evolvatis. Valete.

CXLVI.

To the KING.

Most Gracious and Dread Sovereign,

BEfore I make my Petition to your Majesty, I make my Prayers to God above, * *Pectore ab imo*, that if I have held any thing so dear, as your Majesty's Service; nay, your Heart's ease, and your Honour's, I may be repulsed with a denial. But if that hath been the Principal with me, that God, who knoweth my heart, would move your Majesty's Royal heart to take compassion of me and to grant my desire.

I prostrate my self at your Majesty's Feet; I, your Ancient Servant, now Sixty four years old in Age, and three Tears five Months old in Misery. I desire not from

Qq

your

* From
the bot-
tom of
my Heart.

* A New
Creature.

your Majesty, Means, nor Place, nor Imployment, but only after so long a time of Expiation, a compleat and total remission of the *Sentence* of the *Upper House*, to the end that blot of Ignominy may be removed from me, and from my Memory with Posterity; that I die not a condemned Man, but may be to your Majesty, as I am to God, * *Nova Creatura*. Your Majesty hath Pardoned the like to Sir *John Bennet*, between whose Case and mine, (not being Partial to my self, but speaking out of the General Opinion) there was as much difference, I will not say as between Black and White, but as between Black and Grey, or Ash-coloured (a); Look therefore down, *Dear Sovereign*, upon me also in pity. I know your Majesty's Heart is inscrutable for Goodness; and my Lord of *Buckingham* was wont to tell me, you were the best Natured Man in the World; and it's God's property, that *those he hath loved, he loveth to the end*. Let your Majesty's Grace, in this my desire, stream down upon me, and let it be out of the Fountain and Spring-head, and *ex mero Motu*, that living or dying, the Print of the Goodness of King *James* may be in my heart, and his Praises in my mouth. This my most humble request granted, may make me live a year or two happily; and denied, will kill me quickly. But yet the last thing that will die in me, will be the heart and affection of

July 30. 1624.

Your Majesty's most humble, and
true devoted Servant,

Fr. St. Alban.

(a) Sir *John Bennet* Judge of the *Prerogative Court*, was in the year 1621 accused, convicted, and censured in Parliament, for taking of Bribes, and committing several Misdemeanors relating to his Office.

CXLVII.

A Monsieur D' Effiat. (a)

Monsieur l'Ambassadeur mon Fils.

Voyant que vostre Excellence fait & traite Mariages, non seulement entre les Princes d' Angleterre & de France, mais aussi entre les Langues, puisque vous faites traduire mon Livre de l'Advancement des Sciences en Francois. J'ay bien voulu vous envoyer mon Livre dernièrement imprimée, que j'avois pourveu pour vous ; mais J'estois en doute, de le vous envoyer, pour ce que il est escrit en Anglois. Mais a cest heure pour la raison susdite, je le vous envoie. C'est un Recompillement de mes Essayes Morales & Civiles ; mais tellement enlargiés & enrichiés, tant de Nombre & de Poix, Que c'est de fait un Oeuvre Nouveau. Je vous baise les mains, & reste

Vostre tres Affectionnée Ami &
tres humble Serviteur,

Fr. St. Alban.

(a) To what hath been already said of Monsieur D'Effiat, I shall onely add, that he was made *Mareschal* of France in 1631, and died the year after, as he was going to take upon him the command of an Army upon the Frontier of *Lorrain*. Having the following Eloge given him by *Du Pleix* in his History of *Louis* the Thirteenth. "In losing him, the King lost a most faithful Servant, who in a little time had acquired, a great Reputation in Arms, by his Courage ; In Council, by his Judgment ; In Embassys, by his Address ; In the Sur-Intendance of the *Finances*, by his Vigilance, Prudence, and good Conduct.

CXLVIII.

To the Queen of Bohemia. (a)

It may please Your Majesty,

I Have received your Majesties Gracious Letter, from Mr. Secretary *Moreton*, who is now a Saint in Heaven. It was at a time, when the great Desolation of the Plague was in the City; and when my self was ill of a dangerous and tedious Sickness. The first time that I found any degree of Health, nothing came sooner to my mind, than to acknowledge your Majesties great Favour, by my most humble thanks: And because I see your Majesty taketh delight in my *Writings*, (and to say the truth, they are the best Fruits I now yield.) I presume to send your Majesty a little Discourse of mine, touching a *War with Spain* * which I writ about two Years since; which the *King* your *Brother* liked well. It is Written without Bitternes, or *Invective*, as Kings Affairs ought to be carried; but if

* Printed among his Lordships Miscellany Works, in 1629, &c.

(a) The Princess *Elizabeth*, Eldest Daughter of King *James*, was Married to *Frederic* the Vth. Elector *Palatine*, who by accepting the Crown of *Bohemia*, was soon deprived, both of that, and his ancient Principality. Under all her Afflictions, she had the happiness of being Mother of many fine Children (of which the Princess *Sophia*, Dutches Dowager of *Hanover* is the Survivor;) and at length of seeing her Son restored to the *Palatinate*, and her Nephew to his *Kingdoms*. To her, who had been so much injur'd by *Spain*, My Lord *St. Alban* presents his Discourse, touching a *War with Spain*, in acknowledgment of the Favour of her Majesties Letter, sent by her Secretary Sir *Albertus Moreton*; in which quality he had serv'd his Uncle Sir *Henry Wotton*, in some of his Ambassys: And as he was tenderly beloved by him in his Life, and much lamented in his Death; so Sir *Harry* professed no less admiration of this Queen, and the splendor of her *Vertues* under the darkness of her *Fortunes*.

I be not deceived, it hath edge enough. I have yet some Spirits left, and Remnant of Experience, which I consecrate to the King's Service, and your Majesty's; for whom I pour out my daily Prayers to God, that he would give your Majesty a *Fortune* worthy your rare *Vertues*; which some good Spirit tells me, will be in the end. I do in all Reverence kiss your Majesties Hands, ever resting

*Your Majesties most humble
and devoted Servant,*

Fr. St. Alban.

CXLIX.

To the Earl of Arundel and Surrey.

My very good Lord,

I Was likely to have had the Fortune of *Cajus Plinius*, the Elder, who lost his life by trying an Experiment, about the burning of the Mountain *Vesuvius*. For I was also desirous to try an Experiment or two, touching the Conservation, and Induration of *Bodies*. As for the Experiment it self, it succeeded excellently well; but in the Journey (between *London* and *Highbury*) I was taken with such a fit of Casting, as I knew not whether it were the Stone, or some Surfeit, or Cold, or indeed a touch of them all three. But when I came to your Lordships House, I was not able to go back, and therefore was forced to take up my Lodging here, where your House-keeper is very careful and diligent about me; which I assure my self,
your

your Lordship will not only pardon towards him, but think the better of him for it. For indeed your Lordships house was happy to me; and I kiss your Noble Hands, for the welcome, which I am sure you give me to it, &c.

I know how unfit it is for me to write to your Lordship, with any other hand than my own; but by my troth, my Fingers are so disjoynted with this fit of Sicknes, that I cannot steadily hold a Pen.

F I N I S.



E R R A T A.

Page.	Line.	Errors.	Corrected.
III.	2	Ingenuous	Ingenious.
X.	39	a Reason	as a Reason.
XII.	1	He takes	dele He.
XXII	32	1615	1614.
XXV	16	ease	easily.
XXX	8	as	since.
XXXII	20	please	pleases.
XLIV	10	17	22.
XLVII	33, 34	Quadruple	Double.
LI	19	as an	dele an
LXII	8	in the	dele in
17	21	Let it be given to } the most deserving }	dele.
24	35	had	hath.
25	24	<i>suis</i>	<i>tuis.</i>
27	14	Mr. Edward	Sir Edward.
28	7	Side	Tide.
39	23	desire	deceive.
40	38	<i>dorefenarant</i>	<i>dorefenarant.</i>
	39	<i>L' Espe</i>	<i>L' Espée.</i>
54	33	imitate	incite.
105	9	<i>auxs</i>	<i>aux.</i>
112	28	Imprisonment	Impysonment.
120	2	it	he.
146	22	every	very.
157	8	your	the.
168	37	Cathedral	Abby.
210	18	have	have not.
246	10	<i>ad Infimandum</i>	<i>ad Infirmamdam.</i>
296	13	<i>Religionis</i>	<i>Religioni.</i>

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p. 1, 4. A. Bacon's correspondence in favour of K. James I.

p. 18. Fictor to hold in Book than play a part.

23. Character of Qu. Elizabeth.

84. Sir F. Bacon made Attorney Gen. by the K.'s sole act
~~circumstances known to the~~

85. Reasons why making Coke Lord Keeper or Chancellor

Cor.

87. Cecil & of Salisbury had a good method, if his
ends had been upright.

91. Archbishop placed in that See by a Letter from the King
from Rochester.